The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

530-622-11h

Texas Library and Historical Commission
THE STATE LIBRARY

JOURNAL OF THE SECESSION CONVENTION OF TEXAS

1861

EDITED FROM THE ORIGINAL IN THE
DEPARTMENT OF STATE BY ERNEST
WILLIAM WINKLER, STATE LIBRARIAN

AUSTIN PRINTING COMPANY
1912

CONTENTS

Page.
Prefatory note 5
Signs and abbreviations 6
Chronology 7

Journal of the Secession Convention:

Preface 9-14
Journal of the First Session, Jan.28—Feb. 4 15-85
Journal of the Adjourned Session, March 2-25 86-251

Appendixes:

I. Address to the people of Texas 252-621

II. Reports of the Committee on Public Safety:

Nos. 1 and 8. On the acts of the commissioners to San Antonio 262-308, 396-398
No. 2. On the mission to Louisiana to procure arms 308-315
Nos. 3 and 4. On the acts of the commissioner to procure funds and on the Rio Grande expedition 316-364, 400-403
Nos. 5 and 7. On the acts of the committee during its visit to Galveston 364,365, 389-396
No. 6. On the acts of the commissioner to the northwest frontier 366-389
No. 9. Of the committee appointed to confer with Governor Houston 398-400
III. List of the delegates 405-408
IV. Certificates of election 409-452
Index 453-469
Errata 470

190247

PREFATORY NOTE

The fiftieth anniversary of the secession of Texas, March 2, 1911, was not marked by general public observance. The thirty-second legislature was in session at the time in the City of Austin as the eighth legislature had been in session in that city about the same time (January 21-February 9 and March 18-April 9) in 1861. The thirty-second legislature made an appropriation, the first of its kind in the history of Texas, for the publication of a volume of historical archives. The Library and Historical Commission considered it appropriate to select for the subject matter of this initial volume the Journal of the Secession Convention of Texas. This Journal appeared in the newspapers at the time the Convention was in session, but on account of an empty treasury it was not printed in book form. In importance the Secession Convention ranks with the convention that declared the independence of Texas. Its acts and proceedings have hitherto been almost inaccessible to the reader.

The Journal as recorded by the secretary of the Convention has been carefully followed. In some instances, where the secretary did not record ordinances submitted, the original drafts, and in a few cases printed copies, were found and regarded of sufficient importance to be inserted. A few reports of committees and some communications to the Convention have likewise been inserted in the Journal. In every case such additions and their source have been indicated. Wherever the original has been available it has been followed *verbatim et literatim*. However, in the case of the Journal and of documents for which the originals were not at hand the editor disregarded peculiarities of spelling, capitalization and punctuation. The signatures to the ordinance of secession are reproduced after a photograph made from the original parchment. The photograph, however, had to be retouched to produce an engraving that would give a clear impression.

STATE LIBRARY, Austin.
December 1, 1912.

ABBREVIATIONS

A list of abbreviations used in this volume:

MS.	Manuscript.
A. D.	Autograph document.
A. D. S.	Autograph document signed.
L. S.	Letter signed.
A. L. S.	Autograph letter signed.
[ ]	Words or letters supplied.
? ? ?	Doubtful reading, or queried information supplied.

CHRONOLOGY

1860, Aug. 5. The town of Henderson was burned. **About this time** there were many reports of incendiary fires, poisonings, negro uprisings and the like, which produced a mania of suspicion, leading to the expulsion of suspects and in a few cases to lynching. There sprang into existence committees of safety, military companies, and the K. G. C. found a ready welcome.
Aug. 6. State election for attorney general, comptroller and treasurer.
Aug. 18. Sam Houston in an address to "My friends in the United States" withdrew his name from the list of candidates for the presidency.
Oct. 26-Nov. 15. Many castles of the K. G. C. were organized.
Nov. 6. Presidential election day.
Nov. 15-Dec. 31. Many public meetings were held at which the convening of the legislature in extra session was requested.
Nov. 21. Sam Houston to the citizens of the frontier.
Nov. 22-27. Indian raid in Jack county.
Nov. 28. Sam Houston to the governors of the Southern States.
Dec. 1. O. M. Roberts made a public address at Austin.
Dec. 3. O. M. Roberts prepared a call for a convention.
Dec. 3. Sam Houston to the people of Texas.
Dec. 3. Delegate elected to State convention in district 35.
Dec. 8. Citizens at Austin issued a call for a convention.
Dec. 15. R. T. Wheeler published a letter respecting the crisis.
Dec. 17. Sam Houston issued proclamation convening legislature in extra session January 21, 1861.
Dec. 20. South Carolina seceded.
Dec. 22. Mass meeting of Unionists at Austin.
Dec. 22. Delegates elected in districts 3 and 48.
Dec. 24. Delegates elected in district 15.
Dec. 26. Delegates elected in district 19.
Dec. 27. Sam Houston issued proclamation for an election on February 4, 1861, for seven delegates to a convention of the Southern States.
Dec. 29. Delegates elected in district 24.
Dec. 31. Delegates elected in district 21.

1861. Jan. 1. Delegates elected in district 38.
Jan. 5. Printing office of *Die Union*, Galveston, destroyed by mob.
Jan. 5. J. M. Calhoun, commissioner from Alabama, to Sam Houston.
Jan. 7. Sam Houston to J. M. Calhoun.
Jan. 8. Unofficial election of delegates to a State convention.
Jan. 9. Mississippi seceded.
Jan. 11. Alabama and Florida seceded.
Jan. 20. Georgia seceded.
Jan. 21. Legislature met in called session.
Jan. 21. Legislature repealed joint resolution, authorizing the sending of delegates to a convention of the Southern States.
Jan. 21. Sam Houston sent a message to the legislature.
Jan. 26. Louisiana seceded.
Jan. 28. Convention met.
Jan. 30. Committee on public safety was appointed.
Feb. 1. Convention adopted ordinance of secession.
Feb. 2. Convention adopted declaration of causes which impelled Texas to secede.
Feb. 4. Governor Houston approved joint resolution, passed January 28, by the legislature recognizing the convention.

Feb. 4. Convention elected delegates to the Montgomery convention.
Feb. 4. Convention adjourned until March 2nd.
Feb. 6. Address to the people of Texas by the opponents of secession.
Feb. 9. Legislature adjourned until March 18th.
Feb. 9. Governor Houston issued proclamation ordering election to be held Feb. 23 for ratifying or rejecting the ordinance of secession.
Feb. 10. O. M. Roberts issued an address advocating the adoption of the ordinance of secession by the people.
Feb. 16. U. S. arsenal and barracks at San Antonio were seized by committee on public safety.
Feb. 18. U. S. military posts in Texas surrendered by Gen. Twiggs.
Feb. 19. General Twiggs was superseded by Colonel Waite.
Feb. 21. U. S. property at Brazos Santiago seized.
Feb. 21. Camp Cooper abandoned.
Feb. 23. Election. For ratifying the ordinance of secession and to fill vacancies in the convention.
Feb. 26. Camp Colorado abandoned.
Mar. 1. General Twiggs dismissed from the service of the U. S.
Mar. 2. Convention reassembled.
Mar. 4. Vote on ordinance of secession counted.
Mar. 4. Gov. Houston issued proclamation declaring Texas had seceded.
Mar. 4. Convention adopted ordinance relative to the removal of U. S. troops from Texas.
Mar. 5. Convention adopted ordinance uniting Texas with the Confederate States.
Mar. 6. Gov. Houston refused to recognize the convention.
Mar. 7. Ringgold Barracks abandoned.
Mar. 7. Camp Verde abandoned.
Mar. 12. Fort McIntosh abandoned.
Mar. 14. Convention adopted ordinance to provide for the continuance of the existing State government.
Mar. 15. Camp Wood abandoned.
Mar. 15. Convention administered oath to State officers members of the convention.
Mar. 16. Convention administered oath to State officers.
Mar. 16. Sam Houston's address to the people of Texas.
Mar. 16. Offices of Governor and Secretary of State declared vacant.
Mar. 17. Camp Hudson abandoned.
Mar. 18. Legislature reassembled.
Mar. 18. Sam Houston offered a message to the legislature.
Mar. 19. Fort Clark abandoned.
Mar. 19. Fort Inge abandoned.
Mar. 19. Fort Lancaster abandoned.
Mar. 19. Oath administered to members of the legislature.
Mar. 20. Fort Brown abandoned.
Mar. 20. Fort Duncan abandoned.
Mar. 21. Sam Houston's farewell address.
Mar. 23. Fort Chadbourne abandoned.
Mar. 23. Convention ratified permanent constitution of the Confederate States.
Mar. 25. Convention adjourned.
Mar. 29. Fort Mason abandoned.
Mar. 31. Fort Bliss abandoned.
Apr. 5. Fort Quitman abandoned.
Apr. 9. Legislature adjourned.
Apr. 12. Fort Sumter, S. C., fired upon.

Journal of the Secession Convention[1]

PREFACE[2]

To our fellow citizens of the State of Texas

The election of a president of the United States by the great sectional party of the North has been accomplished.

The insults, threats and aggressions which have been directed at the honor, the equality, and the happy social existence of the people of Texas and the South for the last forty years have reached a climax.

The people of Texas are justly alarmed at the impending destruction of all that is valuable to freemen.

The distinguished governor of our State has been petitioned by a large number of the citizens of Texas to convene her legislature, preliminary to a convention of the people.

---

[1] The following appears on the title page of the volume containing the manuscript journal of the Secession Convention:

Record
of the Journal of the Convention
of the People of Texas
which assembled at the City of Austin
On the 28th day of January A.D. 1861,
And which abrogated the Articles of Annexation between the State and the Government
of the United States of America, and annexed
the State of Texas to the Confederate
States of America.
Recorded by order of the Convention.
1861.

[2] This address or call was published in *The State Gazette* (Austin), December 8, 1860. It received following editorial notice: "We invite the attention of our readers to an address signed by many citizens, suggesting an election of delegates on the 8th of January next, to a Convention of the people of Texas, to meet on the 4th Monday of the same month, in this city, to express the sovereign will of the people. Its final action will of course be submitted to a popular vote at the ballot-box for ratification or rejection. Gen. Houston has already declared that he will not stand in the way of the popular wish. . . It will be seen that Lieut. Gov. Ed. Clark is one of the signers to the address; the Hon. Robert J. Townes is another. We rejoice to see our patriotic citizens of all parties, forgetting past differences and rallying as one man in defense of the honor and safety of our State."

Another call had been prepared a few days before. Ex-Governor Roberts gives following account of it: "On December 3, 1860, after a very anxious consultation, it was determined to make a citizens' call for a convention by meetings in different parts of the State. W. P. Rogers, George M. Flournoy, and O. M. Roberts were selected to draw up the call to be introduced and passed in the said meetings. Where-

Our State constitution has provided that on "extraordinary occasions" the governor "shall have power to convene the legislature."

The legislatures of a number of our sister Southern States have already been called The evidences of alarm, indignation and resentment, together with a most earnest desire to counsel for their own safety, have come up from the people in every quarter of our State.

Governor Houston has not yet seen proper to convene our legislature; there is reason to hope that he will yet do so.[3]

A legislature cannot express as a convention may the sovereign will of the people of the State of Texas

The constitution does not give either the governor or the legislature the *power* to call a convention. Their doing so would be a mere consent that the people might act. The people have the right to act as expressly provided in our State constitution without such consent. Art. 1st of the Bill of Rights declares "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the inalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient."

Should the legislature be now called, it could not probably assemble before some time in January, and then it would be too late to provide for a convention, which could not meet until about or after the time of the inauguration of Abraham Lincoln as president of the United States.

If the people proceed now to the election of delegates to a convention (which they have the unquestioned right to do) the legislature will doubtless ratify what the people have done.

Governor Houston very fully recognizes the right of the people to act primarily in this matter, in his letter to the citizens of Huntsville, of November,[4] 1860, wherein he justly says, "Has the time come? If it has, the people who have to bear the burthens of revolution must

---

upon they, with John S. Ford, repaired to Judge Roberts's office, where he with their assistance drew up the call, copies of which were sent to different points throughout the State and there adopted in mass-meetings and promulgated, so as to give it general notice over the State."—(*A Comprehensive History of Texas.* II, 87.)

The Roberts call (*loc. cit.*) is briefer than the address here printed, it enumerates with greater detail why the assembling of a convention at an early date is necessary, and recommends the same plan for the election of the delegates. Its main point of difference is its silence on the subject of submitting the action of the convention to a vote of the people.

The authority of the secretary of the Convention for including in the Journal the data contained in this preface was conferred by a resolution offered by Mr. Chilton and adopted March 16, 1861.

[3] The proclamation of Governor Houston, convening the legislature in extra session on January 21, 1861, is dated December 17, 1860.

[4] Governor Houston's letter to the citizens of Huntsville, dated November —, 1860, is printed in the *True Issue* (La Grange), November 29, 1860.

themselves effect the work.'' It is then clear that he will abide the expression of the people's will.

Therefore, partaking of the feeling of solicitude common to our fellow citizens, and believing that concert of action is universally desired, and it being necessary that some basis should be set forth to ensure such concert, the undersigned citizens of Texas, residing in different portions of the State, having had an opportunity of conversing with a large portion of our fellow citizens of the State, and pretending only to an authority equal to that of a similar number of our fellow citizens in any locality, and prompted alone by a most earnest and we trust patriotic desire for concert of action,[5]

Suggest:

That an election of delegates be held on the 8th day of January, A. D. 1861, or as soon thereafter as practicable, when any county may not be able to hold an election on that day, to assemble in a convention of the people of Texas at the city of Austin, on the 4th Monday in January A. D. 1861, or as soon thereafter as practicable.

That said election be ordered unofficially by the chief justice of each county or district, or in case of his failure or refusal to act forthwith, then by any one or more of the county commissioners, or in case of the refusal of the latter to act forthwith, then by a committee of five citizens of such county or district.

That the qualifications of electors shall be the same, and as near as practicable the manner of holding such election be the same, as that provided for by the laws of the State of Texas of force governing elections for members of the legislature.

That the returns of said elections be made to the person or persons ordering the same, as soon after the same shall have been held as practicable; and that the certificate of election be issued immediately by such person or persons to whomsoever shall have received the largest number of votes polled.

And where there is under the new apportionment a representative district composed of more than one county, the votes polled shall be returned to the person or persons ordering an election in the county of said district, the chief justice of which is, under said apportionment bill, made the returning officer of such district; and the certificates of election shall be issued by such person or persons.

That said election be upon the basis of the new apportionment bill, approved February 6th, A. D. 1860, except that there be no representation for the senators provided for in said apportionment, but that each county or district elect two delegates for each member of the house of representatives to which it may be entitled; so that the number of said delegates shall be just double the number of members in the house of representatives in said legislature.

---

[5] This paragraph is quoted by Roberts (*loc. cit.*, 89), but its sense is destroyed by careless proofreading. The list of signers to the address as quoted by Roberts omits eleven names and misspells a number of those given.

That the action of said convention be submitted to the people for ratification or rejection at the ballot box at the earliest practicable time after its adjournment

We trust that the newspapers throughout the State will publish this mode of action and urge its adoption.

We hope that those counties where a slight change of programme will be necessary will not regard such change as insuperably objectionable, for we can assure all that the above has been deemed to accord more with the general wish than any particular plan yet proposed by any county, and is arrived at from full and free consultation with a number of persons from all sections of the State.

We further recommend to our fellow citizens that they at once put forward candidates for said convention.

D. M. Prendergast, Limestone Co.
John Gregg, Freestone Co.
L. K. Preston, Galveston.
A. A. Kemble, Waxahatchie.
W. S. Oldham, Washington Co.
J. B. Banks, Travis Co.
Jas. H. Fry, Webberville.
Jesse Billingsley, Bastrop Co
Roger Q. Mills, Navarro Co.
C. M. Winkler, Do.
C. Reich, Guadalupe Co.
Clement R. Johns, Hays Co.
Geo. W. White, Travis Co.
T. D. Moseley.
C. H. Randolph, Houston Co.
George Flournoy.
Joseph Lee.
Jno. R. Baylor, Parker Co.
George Baylor, Do.
S. Crosby.
W. J. Darden, Colorado Co.
Wm. P. Stapp, Calhoun Co.
W. W. Apperson.
Louis Horst.
Jno. B. Costa.
Thomas Green.

R. T. Brownrigg.
J. C. Higgins, Bastrop Co.
A. H. Parrish.
J. E. Rector.
J. E. McCord, Hays Co.
Jas. P. Neal, Travis Co.
Wm. Lee Chalmers, Travis Co.
Geo. W. Guess, Dallas.
Morris R. Reagan.
Jno. A. Green.
Geo. J. Durham.
W. C. Pitts.
Ed. Clark.
T. J. Chambers, Chambers Co.
W. N. Hardeman.
Junius W. Smith, Tarrant Co.
Wm. Byrd.
Jno. A. Wharton, Brazoria Co.
B. S. Whitaker, Lampasas Co.
M. L. Cooksey, Do.
T. C. Jackson, Do.
R. J. Moore, Do.
John Burleson, Do.
S. Fletcher, Do.
Mark Bean, Do.
J. P. Gibson, Do.

Thos. Moore, Burnet Co.
H. E. McCulloch, Guadalupe Co.
S. G. Sneed, Sr., Travis Co.
C. E. Burns, Robertson Co.
T. D. Robertson, Do.
P. H. Smith, Do.
A. T. Rainey, Anderson Co.
Jno. J. Good, Dallas Co.
Jno. T. Pruitt, Travis Co.
R. M. Bomar, Caldwell Co.
Edward Bailey, Do.
T. N. Waul.
Wm. Carleton.
J. H. Lightfoot.
James E. Harrison.
Robert J. Townes, Travis Co.
A. R. Crozier, Do.
J. M. Steiner, Do.
C. Kyle, Hays Co.
M. D. Graham, Rusk Co.

(The foregoing address was generally adopted and acted upon by the people of the State, and may be regarded as the origin of the plan of the election of the delegates who afterwards composed the convention. In the meantime the governor of the State convened the legislature in extraordinary session on Monday Jany. 21st 1861, one week preceding the meeting of the convention; upon its assembling the legislature passed the following)

Joint Resolution

concerning the Convention of the People of Texas, called in pursuance of the Bill of Rights.

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the States, and the people of the same have, in the exercise of powers reserved to themselves in the bill of rights, called a convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs, to determine what shall be the future relations of this State to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the Federal Government in the constitution of the United States, and by the articles of annexation, then the ordinance of said convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this State for their ratification or rejection; therefore,

1. Be it resolved by the Legislature of the State of Texas, That the Government of the State of Texas hereby gives its assent to and approves of the convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

Approved Feby. 4th 1861. by the Governor "With a protest against the assumption of any powers on the part of said convention, beyond the reference of the question of a longer connection of Texas with the Union to the people"

Upon the passage of the Joint Resolution in the senate the vote stood.

For the resolution, Mesrs. Blanch, Britton, Chambers, Duggan, Dulany, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Schleicher, Shepard, Stockdale, Walker and Whaley, 25.

Against the resolution, Mesrs. Hart, Paschal, Rains, Throckmorton and Townes, 5.

In the house of representatives the vote stood,

Yeas, Mesrs. Speaker (M. D. K. Taylor), Anderson, Baxter, Barclay, Benevides, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Culberson, Cumbey, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Duncan, Ellett, Flewellin, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manley, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Short, Smith, Speights, Stewart, Waelder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede, 70.

Nays, Mesrs. Camp, Clark, Edwards, Epperson, Norton, Owens, Redgate, Taylor of Fannin, and Whitmore, 9.[6]

---

[6] A list of the names with nativities, ages, time of immigration, residences, occupations and postoffices of the senators and representatives of the eight legislature is printed in the *Journal of the House of Representatives, Eight Legislature*, 722-729. The vote in the senate was taken January 28, 1861, (*Journal of the Senate of Texas, Extra Session of the Eighth Legislature*, 51). The vote in the house of representatives had been taken earlier on the same day. There are several discrepancies in the lists of yeas and nays as set forth above and those recorded in the house journal (*Journal of the House of Representatives... , Extra Session of the Eighth Legislature*, 61).

FIRST SESSION

City of Austin Texas
Monday January 28th 1861.

The Convention composed of delegates from the several representative districts of the State of Texas, elected by the free, sovereign and independent people, under the authority recognized by the 1st section of the bill of rights of the State constitution, to represent the sovereignty of the State in convention assembled, met in the City of Austin in the hall of the house of representatives, tendered to them by a vote of the House of Representatives,[2] on Monday January 28th A. D. 1861, 2 o'clock P. M.

On motion of Mr. Rogers of Harris, Mr. Jno. D. Stell of Leon county was appointed president *pro tempore* of the Convention.

The Convention being called to order prayer was offered by the Rt. Rev. Alexander Gregg, bishop of the Protestant Episcopal Church of the diocese of Texas.

W. L. Chalmers and H. H. Haynie were requested to act as secretaries "pro tem," and C. A. Hopkins and A. T. Logan as sergeants at arms "pro tem."

On motion of Mr. Oldham, Mr. Claiborne Rector was enrolled as a delegate from the county of Wilson for the present.

Mr. Scott offered the following resolution,

"Resolved that a committee to consist of   persons be appointed to examine the credentials of all such persons as claim to be members of this Convention, and that they report at   "

Mr. Holt moved to fill the 1st blank in the resolution with "Ten." Lost.

---

[1] On March 9, 1861, the Convention adopted an ordinance, entitled "An ordinance to provide for the enrollment, publication, and preservation of the ordinances of the Convention." Section 5 provided "That it shall be the duty of the Secretary of this Convention to record the journals of the proceedings of this Convention in a well bound book to be kept for that purpose, and by him, to be deposited in the office of the secretary of state for safe preservation.". The volume selected by the secretary is a leather bound book of four hundred pages, measuring 11 x 17 inches. The entire journal is in the handwriting of the secretary, and covers pages 1-223.

Of the original papers of the Secession Convention only a small portion has been found. They are filed in Box No. 258, labeled "Convention of 1861," in the Department of State. They consist of the election certificates of the delegates to the Convention, included in Appendix IV below; drafts of ordinances, applications for appointment to office in the military service, recommendations of applicants, and tenders of the service of individuals and of companies. Reference will be made to these original documents as "Miscellaneous Papers of the Secession Convention."

[2] On January 23rd, the House adopted following resolution:

Resolved, That the use of the hall of the House of Representatives as well as fuel and stationery be tendered to the Convention, which will meet on next Monday, each day while said Convention may be in session, at and after the hour of 2 o'clock, P. M.—(*Journal of the House of Representatives. . . Extra Session of the Eighth Legislature*, 45).

On motion of Mr. Ochiltree the 1st blank in the resolution was filled with "five," and at the end of the resolution was added the words "7 o'clock tonight"

Mr. Davidson moved to amend by adding, "and to ascertain and report to this Convention the number of votes polled in the several representative districts of this State for delegates composing this Convention".

The resolution and amendment were on motion of Mr. Cleveland postponed for the present.

Mr. Green offered the following resolution which was adopted.

"Resolved that the roll be called and certificates of election be handed to the Secretary, and that if a majority appear in form then the Convention proceed to permanent organization."

On motion the following names were then enrolled as delegates for the present, with the privilege of submitting their credentials when received to the committee on Credentials. F. P. Price, Jasper county, A. G. Clopton, Cass county, A. T. Rainey, Anderson county, M. D. Graham, Rusk county, James Hooker, Hunt county, E. P. Nicholson, Dallas county, E. Earley, Grayson county, James Walworth and Jno. S. Ford, Cameron Co.

Mr. Maxey moved that the Convention go into an election of a permanent presiding officer.

Mr. Jennings offered the following resolution as a substitute for the motion,

"Resolved that the permanent officers of this Convention shall consist of a president, secretary, 1st assistant secretary, 2nd assistant secretary, sergt. at arms, assistant sergt. at arms, doorkeeper and assistant doorkeeper, to be elected by ballot."

And the resolution was adopted.

The election of a president being first in order, Mr. Gray nominated the Hon. O. M. Roberts of Smith county.

Mr. Fields nominated the Hon. Wm. B. Ochiltree of Harrison county, who respectfully declined and moved that the Hon. O. M. Roberts be declared the president of the Convention by acclamation. Carried.

On motion of Mr. Rainey a committee of three were appointed by the President "pro tem" to wait upon Mr. Roberts and conduct him to the chair.

Mesrs. Rainey, Flournoy and Gray were appointed the committee.

On taking the chair the President remarked, "*I bow to the sovereignty of the people of my State.* All political power is inherent in the people. That power, I assert, you now represent. We have been congregated in obedience to the public will, by the spontaneous and voluntary concert of the people of this State, to consider and dispose of questions equally as momentous and more varied than those that were solved by our revolutionary forefathers of '76! The crisis upon us involves not only the right of self government, but the maintenance of a great principle in the law of nations—the immemorial recognition of the institution of slavery wherever it is not locally prohibited—and also the true theory of our general government as an association of sovereignties, and not a blended mass of people in one social compact However grave the issues now presented may be, I trust this body will be fully adequate to their solution, in such manner as to preserve the rights of the State. While not insensible to the great honor conferred upon me by this body of distinguished citizens, I am aware that my selection is attributable more to my position in the judiciary of the State than to my experience or knowledge of parliamentary deliberations. It is an indication to the world that this movement of the people of Texas has not originated in any revolutionary spirit of social disorder, and I doubt not that the moderation and wisdom of your deliberations and acts will demonstrate it."

The election for secretary being next in order,

Mr. Hogg nominated J. Pat. Henry.

Mr. Nicholson nominated R. H. Lundy.

Mr. Armstrong nominated R. T. Brownrigg.

Mesrs. Ireland, Rogers of Harris and Stockdale were appointed tellers.

On the 1st ballot Mr. Henry received 30 votes, Mr. Lundy received 20 votes and Mr. Brownrigg received 93 votes.

R. T. Brownrigg having received a majority of all the votes cast was declared duly elected secretary to the Convention.

Nominations for 1st assistant secretary being next in order

Mr. Stockdale nominated John Burlage

Mr. Hardeman nominated M. S. Dunn.

Mr. Wiley nominated W. D. Schoolfield

Mr. Green nominated T. E. Moseley.

On the 1st ballot Mr. Burlage received 47 votes, Mr. Dunn 25 votes, Mr. Schoolfield 57 votes and Mr. Moseley 8 votes

There being no election the Convention proceeded to a 2nd ballot when Mr. Burlage received 44 votes, Mr. Dunn 10 votes, Mr. Schoolfield 80 votes and Mr. Moseley 2 votes.

Mr. Schoolfield having received a majority of all the votes cast was declared duly elected 1st assistant secretary to the Convention.

On motion of Mr. Graham the resolution offered by Mr. Scott together with the amendment thereto offered by Mr. Davidson were taken up and the amendment laid on the table.

On motion of Mr. Graham the vote filling the 2nd blank in the resolution with "7 o'clock P. M." was reconsidered and the blank filled with "their earliest convenience"

The resolution as amended was then adopted.

Mesrs. Scott, Graham of Rusk, Nat. Terry, Wiley and Devine were appointed the committee.

Mr. Brown offered the following resolutions which were adopted.

"Resolved that the rules of the present house of representatives, so far as applicable, be adopted for the government of the Convention.

"Resolved that the galleries of the House be reserved for the use of spectators, and that no person be allowed on the floor of the Hall except members and officers of the Convention, the governor, lieut. governor, heads of departments, judges of the supreme and district courts, members and officers of the legislature, and reporters of the press."

On motion of Mr. Brown, Mr. Plasters was requested to act as doorkeeper until one was elected.

Mr. Oldham moved to adjourn until 2 o'clock, P. M. tomorrow. Lost.

Mr. Nat. Terry moved to adjourn until 8½ o'clock, P. M. Lost.

On motion of Mr. Ochiltree the Convention adjourned until 7½ o'clock tonight.

7½ o'clock, P. M.

The Convention met Roll called Quorum present.

The election of a 2nd assistant secretary being next in order

Mr. Nat. Terry nominated R. H. Lundy

Mr. Coke nominated John Burlage

On the 1st ballot Mr. Lundy received 70 votes and Mr. Burlage 63 votes

Mr. Lundy having received a majority of all the votes cast was declared duly elected 2nd assistant secretary to the Convention.

The election of sergeant at arms being next in order.

Mr. Fields nominated B. F. Durham

Mr. Nelson nominated J. W. Johnson

Mr. Oldham nominated A. T. Logan

Mr. Davidson nominated Antonio Manchaca.

On the 1st ballot Mr. Durham received 42 votes, Mr. Johnson 33 votes, Mr. Logan 47 votes, Mr. Manchaca 17 votes and Mr. Hopkins 2 votes. No election.

Mr. Nelson then withdrew the name of Mr. J. W. Johnson, and the Convention proceeded to a 2nd ballot, when Mr. Durham received 65 votes, Mr. Logan 67 votes and Mr. Manchaca 6 votes. No election.

Mr. Davidson then withdrew the name of Mr. Manchaca, and the Convention proceeded to the 3rd ballot, when Mr. Durham received 72 votes and Mr. Logan received 71 votes.

Mr. Durham having received a majority of all the votes cast was declared duly elected sergeant at arms to the Convention

On motion of Mr. Robertson of Washington, Mr. Logan was declared by acclamation assistant sergeant at arms to the Convention.

On motion of Mr. Stell the Convention took a recess of an hour and a half.

(During the recess the audience was entertained by the Rev. Dr. George Carter, in an address, which for closeness of logic, beauty of diction, anecdote and pathos, all present coincided in the opinion, was rarely equalled, never excelled.)

The recess having expired the Convention was called to order by the President.

The election of a doorkeeper being next in order.

Mr. Chilton nominated J. W. Johnson

Mr. Brown nominated Wilson Randle

Mr. Brown withdrew the name of Mr. Randle, and on his motion Mr. Johnson was declared by acclamation the doorkeeper to the Convention.

On motion of Mr. Chilton, Mr. Randle was declared by acclamation assistant doorkeeper to the Convention.

On motion of Mr. Rainey the President was authorized to appoint two messengers or pages to wait upon the Convention.

Mr. Stell offered the following resolution,

"Resolved that a committee of three be appointed by the President to wait upon his Excellency and inform him that this Convention is now organized, and ready to receive any communication that he may desire to make to this body."

On motion of Mr. Jennings the resolution was postponed for the present.

Mr. Portis offered the following resolution

"Resolved that a committee, to consist of one from each judicial district represented in this Convention, upon Federal Relations be appointed by the President of this Convention."

Pending which on motion of Mr. Chilton, the Convention adjourned until 2 o'clock, P. M. to morrow.

Tuesday January 29th 1860.

The Convention met pursuant to adjournment. Prayer by the Revd. Mr. Johnson of Titus County Roll called Quorum present

Mr. Scott, chairman of the committee on Credentials, made the following report.

To the Hon. O. M. Roberts
President etc.

The committee on Credentials respectfully submit the following report. Upon the examination of the credentials of delegates and from satisfactory evidence before the committee, we find the following delegates regularly elected and entitled to seats in this Convention. From,

District No. 1. Jefferson, Chambers etc—T. J. Chambers and Wm. Chambers

District No. 2. Liberty and Polk—Chas. L. Cleveland and Jas. M. Maxey.

District No. 3. Tyler and Hardin—W. A. Allen, N. B. Charleton and Philip Work.

District No. 4. Jasper and Newton—W. M. Neyland, F. B. Price.

District No. 5. San Augustine and Sabine—C. Dean and Jas. M. Burroughs.

District No. 6. Shelby—A. W. O. Hicks and L. F. Casey

District No. 9. Houston—Jno. I. Burton and Jno. R. Hays.

District No. 10. Anderson—A. T. Rainey and J. G. Stewart.

District No. 11. Trinity, Houston and Anderson—Jno. Box.

District No. 12. Cherokee—T. J. Jennings, Jos. L. Hogg, P. G. Rhome and J. M. Anderson.

District No. 13. Rusk—M. D. Graham, W. C. Kelly, A. P. Galloway, J. R. Armstrong.

District No. 14. Panola—D. Field, T. G. Davenport and W. R. Poag

District No. 15. Harrison—W. T. Scott, Gil. McKay, A. Pope and W. B. Ochiltree.

District No. 17. Smith—O. M. Roberts, G. W. Chilton, O. Lofton and J. C. Robertson.

District No. 18. Cass—A. G. Clopton, J. H. Rogers

District No. 19. Titus—J. F. Johnston, W. C. Batte and Jno. G. Chambers.

District No. 20. Cass, Titus and Bowie—H. R. Runnels, W. S. Todd, W. Warren and R. H. Ward.

District No. 21. Upshur—W. F. Locke, S. W. Beasley, J. S. Newsome and S. E. Black.

District No. 24. Hopkins—W. T. Blythe, R. S. Askew and W. M. Payne.

District No. 26. Wood—J. D. Rains and A. P. Shuford.

District No. 27. Van Zandt, Kaufman and Henderson—L. W. Moore, W. R. Payne, J. Chisum and Wm. Nash.

District No. 28. Hunt—Jas. Hooker and W. A. Mattox.

District No. 29. Fannin—A. G. Nicholson and G. Smith.

District No. 30. Fannin and Hunt—E. Earley and J. Wilson

District No. 31. Grayson—W. W. Diamond, Jesse Marshall and J. G. Thompson.

District No. 32. Collin—J. W. Throckmorton and Sam Bogart.

District No. 34 and 35. Galveston and Brazoria—E. B. Nichols, Jno. Muller, R. C. Campbell and Jno. A. Wharton.

District No. 36. Harris—P. W. Gray, Thos. S. Lubbock, Wm. P. Rogers and Wm. McCraven.

District No. 37. Montgomery, Grimes and Brazos—J. W. Hutchison, R. J. Palmer, J. H. Dunham and Wm. McIntosh.

District No. 38. Walker—A. P. Wiley and L. A. Abercrombie

District No. 39. Leon and Madison—Jno. D. Stell and Robert S. Gould.

District No. 40. Freestone, Limestone and Falls—Chas. Stewart, W. W. Peck, D. M. Prendergast and John Gregg.

District No. 41. Navarro and Hill—Joseph A. Clayton and J. P. Weir.

District No. 42. Ellis, Johnson and Parker—A. T. Obenchain, A. C. Hoyle, T. C. Neil and A. Bradshaw.

District No. 43. Tarrant—J. E. Cook and Nat. Terry.

District No. 44. Dallas—E. P. Nicholson, Pleasant Taylor and W. S. J. Adams.

District No. 46. Cooke, etc.—Jas. J. Diamond.

District No. 47. Matagorda, Wharton and Fort Bend—John Rugeley and B. F. Terry.

District No. 48. Austin—Edwin Waller and D. Y. Portis.

District No. 49. Colorado—A. H. Davidson and T. S. Anderson.

District No. 50. Fayette—J. S. Lester and Thos. C. Moore.

District No. 51. Washington—J. B. Robertson and W. S. Oldham

District No. 52. Washinton and Fayette—J. E. Shepard and Jno. W. Dancy.

District No. 53. Burleson and Robertson—J. H. Feeney and A. S. Broaddus.

District No. 54. Bastrop—T. B. J. Hill and W. G. Miller.

District No. 55, 56, 57. Travis, Williamson and Milam—H. N. Burdett, George M. Flournoy, Jno. A. Green, E. Thomasson, Thos. P. Hughes and C. M. Lesueur.

District No. 58. Caldwell, Hays and Blanco—Spencer Ford and J. C. Watkins.

District No. 59. Bell and Lampasas—Jno. Henry Brown and E. Sterling C. Robertson.

District No. 60. McLennan and Bosque—Richard Coke and A. Nelson.

District No. 61. Coryell, Commanche, etc—J. M. Norris and T. C. Frost.

District No. 62. Calhoun, Victoria, Jackson and De Witt—Fielding Jones, J. J. Holt, W. R. Scurry and F. S. Stockdale.

District No. 63. Lavacca—Ben Williams and B. F. Moss.

District No. 64. Gonzales—A. N. Mills and W. H. Stewart.

District No. 65. Guadalupe—Jno. Ireland, W. P. Hardeman.

District No. 66. Comal—Thos. Koester, W. F. Preston.

District No. 67. Gillespie, Kerr, etc—E. M. Ross, Chas. Ganahl.

District No. 68. Burnet, Llano, etc—Thos. Moore and Thos. McCraw.

District No. 69. Goliad, Refugio and San Patricio—Pryor Lea and A. M. Hobby

District No. 70. Karnes, Bee, etc—John Littleton, Jno. Donalson and Robt. Graham.

District No. 71. Bexar—Thos. J. Devine, R. W. Brahan, S. S. Smith and Jno. A. Wilcox.

District No. 72. Bexar, Medina, etc—Chas. De Montel and A. Nauendorf.

District No. 73. Cameron—J. S. Ford and Jas. Walworth.

District No. 75. Starr and Zapata—E. R. Hord and Noah Cox.

District No. 76. Webb, Nueces, etc.—P. N. Luckett and H. A. Maltby

District No. 78. Wilson, etc—Claiborne Rector.

Your committee would represent that district No. 2 is entitled to but two delegates, and we find that three are returned with credentials from the two counties of Tyler and Hardin composing the district. We recommend that the three be entitled to seats in the Convention with the right to cast but two votes. In district No. 19 John G. Chambers, Joshua F. Johnson and W. C. Batte are returned with proper credentials, when the district under apportionment is entitled to but two delegates. We recommend in this case that Mr. Johnson be allowed one vote and Mesrs. Batte and Chambers one vote. In district No. 15 we find four delegates with proper credentials to seats in the Convention, when the district is entitled to but three; we recommend that the four be allowed to take seats in the Convention with the right to cast but three votes. In district No. 70 we find that Jno. Littleton, John Donalson and Robt. Graham are entitled to seats in the Convention, when the district is entitled to but two delegates. Your committee would also recommend that the delegates from this district be permitted to take seats in the Convention with the right to cast but two votes. In districts Nos. 55, 56, and 57 we find that six delegates have been elected, though not strictly in the manner indicated by the call. The county of Travis constitutes district No. 55; the counties of Travis and Williamson district No. 56; and the counties of Williamson and Milam district No. 57. The three districts are entitled to six delegates all that are claimed or returned but they were elected as follows: three from the county of Travis, which is entitled to two in its own right and two in conjunction with Williamson; two from the county of Williamson which is entitled to two in conjunction with Travis and two in conjunction with Milam; and one from the county of Milam which is in conjunction with Williamson entitled to two. In view of the fact that the representation is complete in point of number and all parties seem to be satisfied with the manner in which the representation is offered, the committee recommends that the delegates as reported be allowed seats and votes accordingly. We make the same recommendation in regard to the counties of Galveston and Brazoria which are entitled to four delegates, three of whom were elected from Galveston and one from Brazoria county. All of which is respectfully submitted.

On motion of Mr. Ochiltree the rule was suspended and the report taken up.

Mr. Green moved to amend the report as to the representation in the Convention from the 56th representative district

On motion of Mr. Scott the Secretary of the Convention was required to alter the report of the committee so as to make it represent the true facts of the case in relation to the representation in the Convention from the counties of Travis, Williamson, Milam, Galveston and Brazoria. "And the report stands recorded as amended."

Mr. Chilton moved to adopt the report with the exception embraced in Mr. Scott's motion. Lost.

Mr. Nat Terry moved that all the delegates reported be entitled to seats and votes. Lost.

On motion of Mr. Johnson of Titus county the report was amended so as to give Mr. Johnson one vote and his two colleagues the other vote to which the county of Titus was entitled.

Mr. Cleveland moved to amend by adding at the end of the report the recommendation that each delegate be entitled to one vote.

On motion laid on the table and the report adopted as it stands of record.

Mesrs. P. T. Herbert and Russell Howard presented their credentials as delegates elect from the county of El Paso to the Convention, and were on motion admitted to seats in the Convention and their names enrolled as such.

Mr. Terry of Tarrant offered the following resolution

"Resolved that the President appoint a committee of three to wait on his Excellency the Governor and inform him that the Convention is now organized and has proceeded to business.[”]

Mr. Lea offered the following as a substitute

“Resolved that three committees each of three members be appointed to inform the Executive and each branch of the Legislature respectively that the Convention is organized and desires concert and harmony between this body and those officials The latter as ordinary functionaries of the State government, and the former as an extraordinary representation of the people of Texas in their sovereignty.[”]

Mr. Devine offered the following as a substitute for the substitute.

“Resolved that a committee of five be selected by the President whose duty shall be to wait on the Executive of the State and confer with him on subjects connected with our federal relations.”

On motion of Mr. Graham the original resolution and substitutes were referred to a committee of three to be appointed by the Chair.

Mesrs. Graham of Rusk, Devine and Hogg were appointed said committee.

On motion of Mr. Oldham the resolution relating to the same subject, offered by Mr. Stell on yesterday, was taken up and referred to the same committee.

On motion of Mr. Ochiltree, Mr. Stell was added to the committee.

On motion of Mr. Davidson, Mr. Oldham was added to the committee.

On motion of Mr. Jennings, Mr. Campbell was added to the committee.

On motion of Mr. Mills, Mr. Lea was added to the committee

Mr. Cleveland offered the following resolution

“Resolved that a committee of fifteen be appointed to draft and report the ‘Articles of Secession’[”]

On motion of Mr. Oldham, laid on the table.

Mr. Armstrong offered the following resolution which was adopted.

“Resolved that each committee raised by this Convention be authorized and required to elect its own chairman[”]

Mr. Lock offered the following resolution which was adopted.

“Resolved that the President appoint the following committees, to wit:

“A committee of one from each judicial district, represented in the Convention, on Federal Relations

“A like committee to present business to this Convention for its consideration.

“A committee on Finance,

“A committee on Resolutions and a committee on Public Safety[”]

On motion of Mr. Flournoy the Convention took a recess of fifteen minutes

At the expiration of the time the Convention was called to order, when the President announced the following as the committee on Federal Relations, authorized by the resolution last adopted, viz: Mesrs. Wharton, Flournoy, Shepard, Devine, Hicks, Ochiltree, Gray, Todd, Hogg, Stockdale, Herbert, Hord, Gregg, T. J. Chambers, Lea, Nat Terry, Moore, Montel, Coke and Marshall.

The following committee was appointed to present business for the consideration of the Convention, viz: Waller, Ireland, Broaddus, Smith of Bexar, Neyland, Locke, Campbell, Runnels, Hays, Mills, Howard, Walworth, Stell, Charleton, Nicholson of Dallas, Hughes, Ross, Frost, Thompson and Maltby.

Mr. Ochiltree offered the following resolutions.

"Resolved that the following oath be administered to the President of the Convention, viz: 'I do solemnly swear that I will faithfully and impartially discharge and perform the duties incumbent on me as President of the Convention of the State of Texas, according to the best of my skill and ability, and that to the said State I will true allegiance bear. So help me God.'

"Resolved further that the President when sworn shall administer an oath in substance such as the foregoing to each of the members and to each of the subordinate officers of this Convention[")]

Mr. Hicks moved to lay the resolutions upon the table. Lost.

Mr. Mills moved the previous question which was ordered.

The resolutions were then adopted.

Mr. Waller moved that the members and officers of the Convention be sworn at the same time.

On motion of Mr. Robertson of Washington the vote adopting the resolution was reconsidered, and the resolutions were referred to a committee of "five" to be appointed by the Chair.

Mr. Nat Terry offered the following resolution which on his motion was referred to the same committee.

"Resolved by this Convention that the Speaker of the House of Representatives administer the oath to the President of the Convention.[")]

Mr. Wharton offered the following resolution

"Resolved that without determining now the manner in which this result should be effected, it is the deliberate sense of this Convention that the State of Texas should separately secede from the Federal Union.[")]

On motion of Mr. Flournoy the previous question was ordered upon the adoption of the resolution, and the resolution was adopted by the following vote.

Yeas, Mesrs. Anderson of Cherokee, Anderson of Colorado, Armstrong, Askew, Abercrombie, Adams, Allen, Burton, Box, Black, Blythe, Beazley, Bradshaw, Broaddus, Burdett, Brown, Batte, Brahan, Wm. Chambers, Thos. J. Chambers, Cleveland, Casey, Charleton, Chilton, Chambers of Titus, Clopton, Chisum, Campbell, Cook, Coke, Clayton, Diamond of Cooke, Diamond of Grayson, Donalson, Dean, Davenport, Dancy, Devine, Davidson, Durham, Field, Feeney, Flournoy, Frost, Ford of Caldwell, Ford of Cameron, Graham of Bee, Graham of Rusk, Galloway, Gray, Gould, Gregg, Green, Ganahl, Hicks, Hays, Hogg, Hooker, Hutchison, Hoyle, Holt, Hardeman, Hobby, Hord, Herbert, Howard, Hill, Ireland, Jennings, Jones, Koester, Kelly, Lofton, Locke, Littleton, Thos. S. Lubbock, Luckett, Lester, Lea, Lesueur, Maxey, McCraw, Moore of Henderson, Montel, McKay, Moore of Burnett, Muller, McCraven, McIntosh, Moore of Fayette, Maltby, Moss, Miller, Mills, Marshall, Neyland, Newsome, Nicholson of Dallas, Nichols, Neal, Nelson, Norris, Nauendorf, Ochiltree, Obenchain, Oldham, Peck, Pope, Poag, Payne of Hopkins, Payne of Henderson, Prendergast, Palmer, Price, Preston, Portis, Rainey, Rhome, Roberts (President), Robertson of Smith, Rogers of Marion, Runnels, Rogers of Harris, Rugeley, Robertson of Washington, Robertson of Bell, Rector, Ross, Reagan, Stewart of Anderson, Scott, Smith of Fannin, Stell, Stewart of Falls, Shepard, Stockdale, Scurry, Stewart of Gonzales, Smith of Bexar, Todd, Terry of Tarrant, Terry of Fort Bend, Taylor, Thompson, Work, Ward, Warren, Wilson, Wharton, Wiley, Wier, Waller, Watkins, Williams of Lavacca, and Walworth, 152.[3]

Nays, Mesrs. Bogart, Hughes, Rains, Shuford, Throckmorton and Thomasson, 6 .

On motion of Mr. Mills, Mr. Johnson of Titus was excused from voting on the resolution.

Mr. Brown offered the following resolution, which was adopted.

"Resolved that the Sergeant at Arms under the direction of the President be instructed to employ two negro men to wait upon the Convention.[")]

Mr. Nelson moved the appointment of a committee of three to wait upon the Revd. Mr. Bayless, and request him to act as Chaplain for the Convention, while he was in this city. Carried.

---

[3] The total number of names in the foregoing list is 155. However, 152 is probably correct; it is the result published in *The State Gazette*, February 2, 1861. The Journal of January 30 states that Mr. Poag was not present when the vote was taken; the names of others may have been added in the same manner as his.

The name of John H. Reagan in this list and the statement made in the Journal of January 30 that he was present on the 29th—the second day of the Convention—should be noted, since he made and repeated the statement that he did not arrive in Austin until the morning of the third day (*The Quarterly of the Texas State Historical Association*, III, 279, and Reagan's *Memoirs*, 104.).

Mesrs. Nelson, Jones and Maxey were appointed the committee.

The following communication was taken from the President's table and read—

Hon. O. M. Roberts
President of the State Convention.

Feeling a deep interest in the honor, welfare, and prosperity of our beloved State, we beg leave to present to the Convention, now controlling her destinies, upon the passage of the ordinance of secession, a banner, symbolizing her resumption of State sovereignty.

Respectfully
Bettie Buckner
Maggie Ragsdale
Ruth T. Davidson
Lillie Bouldin

City of Austin Texas
Jany. 29, 1861.

Mr. Rogers of Harris offered the following resolution which was adopted

"Resolved that a committee of 'five' be appointed to receive from the ladies of Austin a flag to be tendered by them to this Convention.["]

The following persons were appointed the committee Mesrs. Rogers of Harris, Flournoy, Donalson, Luckett, and Robertson of Washinton.

On motion of Mr. Jennings the Convention adjourned until tomorrow at 2 o'clock, P. M.

City of Austin Texas,
Wednesday January 30, 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. Prayer by the Revd. Mr. Bayless.

The President announced that he had appointed Julius Brown and C .A. Hopkins pages to the Convention on yesterday.

The following gentlemen were admitted as permanent and duly accredited delegates in this Convention upon presentation of their credentials which appeared in proper form, viz: A. J. Nicholson from District No. Fannin county. J. N. Fall and Wm. Clark jr, from District No. Nacogdoches county. H. H. Edwards from District No. Nacogdoches and Angelina counties. Elbert Earley from District No. Fannin and Hunt counties. L. H. Williams, Geo. W. Wright, Wm. H. Johnson from District No. Lamar county.

Mr. Rainey presented his credentials which were received and appeared in proper form.

The following delegates not present on yesterday when the vote was taken were allowed to record their votes upon the resolution offered by Mr. Wharton, declaring separate State secession the present correct policy in the opinion of this Convention on the part of the State of Texas, viz:

Yeas, Mesrs. Poag, Earley, Nicholson of Fannin, Wilcox and Edwards, 5.

Nays, Mesrs. Clark and Fall, 2:

Making the vote upon the resolution 157 yeas, 8 nays.

Mr. Jno. H. Reagan having been admitted to his seat on yesterday presented his credentials which were in proper form, from district No. 11 composed of the counties of Anderson, Houston and Trinity.

The President announced the following standing committees under the resolution offered by Mr. Locke on yesterday.

Committee on Public Safety. Mesrs. 1. Robertson of Smith, 2. Brown, 3. Rogers of Marion, 4. Armstrong, 5. Rainey, 6. Ford of Cameron, 7. Rogers of Harris, 8. Norris, 9. Wilcox, 10. Thompson, 11. Miller, 12. Green, 13. Cleveland, 14. Hooker, 15. Luckett.

Committee on Finance. Mesrs. 1. Nichols, 2. Stewart of Gonzales, 3. Scott, 4. Gould, 5. Smith of Fannin, 6. Smith of Bexar, 7. Batte, 8. Terry of Fort Bend, 9. Dean.

Committee on Resolutions. Mesrs. 1. Wiley, 2. Poag, 3. Dancy, 4. Diamond of Cooke, 5. Ford of Caldwell, 6. Ganahl, 7. Hutchison, 8. Jennings, 9. McCraven, 10. Mills, 11. Nauendorf, 12. Obenchain, 13. Chilton, 14. Neyland, 15. Montel.

And the following as the committee to which was referred the resolutions relative to the oaths proposed to be administered to the members and officers of the Convention, viz: Mesrs. Ochiltree, Robertson of Washington, Anderson of Cherokee, Wiley and Johnson of Titus.

Mr. Chilton offered the following resolution,

"Resolved that we have learned with pleasure that the Hon. Jno. McQueen, commissioner from the sovereign State of South Carolina to the State of Texas, has reached the City of Austin, and that we hereby invite him to a seat upon the President's stand during the session of this Convention, and that a committee of three be appointed to inform him of this action.["]

Mr. Mills moved to refer the resolution to a special committee of two.

Mr. Muller moved the previous question which was ordered.

The motion of Mr. Mills failed.

Mr. Dancy moved to lay the resolution on the table. Lost.

The resolution was then adopted.

Mr. Rogers of Harris offered the following resolution.

"Resolved that such of the soldiers of the Revolution of Texas as are in this city be invited to seats within the bar of the House, provided they are in favor of another revolution.["]

On motion of Mr. Green the resolution was laid on the table.

The following communication was received from the Speaker of the House of Representatives.

Texas Capitol
Jany 30, 1961.

Hon. O. M. Roberts.
President of the State Convention.
Sir.

At the request of the House of Representatives, I have the honor to transmit herewith an Ordinance of the Alabama State Convention, dissolving the union between the State of Alabama and other States united under a compact styled ["]the Constitution of the United States of America."

The letter of William M. Brooks, President of the Alabama Convention, and that of Governor Houston transmitting the same is also herewith enclosed.

Very respectfully,
M. D. K. Taylor.

Executive Department
Austin Jany 24 1861

To Hon Ed Clark
President of the Senate
Sir

I have the honor to transmit herewith a communication purporting to be from the Hon Wm M Brooks, President of the Alabama State Convention, with the request that when the same is read it be transmitted to the Speaker of the House of Representatives.

Sam Houston

Montgomery, Alabama,
January 11th, 1861.

To His Excellency
Governor of the State of Texas.
Sir:

By order of the Convention of the People of Alabama, I have the honor herewith to transmit to you a copy of the Ordinance this day passed, "To dissolve the union between the State of Alabama and the other States united under the compact styled 'The United States of America.' "

I have the honor to be very respectfully

William M. Brooks,
President of the Convention.

An Ordinance to dissolve the union between the State of Alabama and other States united under the compact styled "The Constitution of the United States of America"

Whereas, the election of Abraham Lincoln and Hannibal Hamlin to the offices of president and vice-president of the United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security, therefore:

Be it declared and ordained by the people of the State of Alabama, in Convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn from the Union known as "the United States of America," and henceforth ceases to be one of said United States, and is, and of right ought to be a Sovereign and Independent State.

Sec. 2. Be it further declared and ordained by the people of the State of Alabama in Convention assembled, That all the powers over the Territory of said State, and over the people thereof, heretofore delegated to the Government of the United States of America, be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.

And as it is the desire and purpose of the people of Alabama to meet the slaveholding States of the South, who may approve such purpose, in order to frame a provisional as well as permanent Government upon the principles of the Constitution of the United States,

Be it resolved by the people of Alabama in Convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky and Missouri, be and are hereby invited to meet the people of the State of Alabama, by their Delegates, in Convention, on the 4th day of February, A. D., 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, That the President of this Convention, be and is hereby instructed to transmit forthwith a copy of the foregoing Preamble, Ordinance, and Resolutions to the Governors of the several States named in said resolutions

Done by the people of the State of Alabama, in Convention assembled, at Montgomery, on this, the eleventh day of January, A. D. 1861.

William M. Brooks,
President of the Convention.[4]

The following communication was received from the House of Representatives

Austin Jany. 30th 1861.

Hon. O. M. Roberts
President of the State Convention
Sir:

In obedience to a resolution of the House of Representatives I herewith transmit to your honorable body a special communication received in the House to day from his Excellency Gov. Houston, relative to certain resolutions passed by the Legislature of Tennessee together with said resolutions

I have the honor to be
W. L. Chalmers
Chf. Clk. H. of R.

Executive Department, Austin Texas
January 30th 1861.

Gentlemen of the Senate
And House of Representatives.

I have the honor to transmit to your honorable bodies the Joint Resolutions adopted by the Legislature of the State of Tennessee in reference to certain resolutions adopted by the State of New York.

In these perilous times it is proper that the Representatives of the people of Texas should meet at the threshold every assault upon their liberties, and whether that assault comes in the form of threats or actual invasion it should alike be repelled.

Having called you together to provide for an expression of the sovereign will of the people at the ballot box, I also deem it my duty to declare that while the freemen of Texas are deliberating upon this question no impending threat of coercion from the people of another State should be permitted to hang over them without at least meeting the condemnation of their Representatives. Whatever that sovereign will may be when fairly expressed it must be maintained. Texas as one man will defend it. While the Executive would not counsel foolish bravado, he deems it a duty we owe to the people to declare that even though their action shall bring upon us the consequences which now seem impending we will all, be our views in the past or present what they may, be united.

---

[4] Hon. J. M. Calhoun, commissioner from the State of Alabama, visited Austin about January 5, 1861. Finding neither the Legislature nor the Convention in session, he addressed himself to Governor Houston. His letter to Governor Houston and the reply of the latter are printed in the Journal of the Senate, Extra Session of the Eighth Legislature, 31-37.

Sam Houston

Joint Resolution

Adopted by the Legislature of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly has heard with profound regret of the resolutions recently adopted by the Legislature of the State of New York, tendering men and money to the President of the United States, to be used in coercing certain sovereign States of the South into obedience to the Federal Government.

Resolved, That this General Assembly receives the action of the Legislature of New York as the indication of a purpose upon the part of the people of that State to further complicate existing difficulties, by forcing the people of the South to the extremity of submission or resistance; and so regarding it, the Governor of the State of Tennessee is hereby requested to inform the Executive of the State of New York, that it is the opinion of this General Assembly that whenever the authorities of that State shall send armed forces to the South for the purpose indicated in said resolutions, the people of Tennessee, uniting with their brethren of the South will, as one man, resist such invasion of the soil of the South at any hazard and to the last extremity.

W. C. Whitthorne, Speaker H of R
Tazwell W. Newman Speaker of Sen.

Mr. Jennings moved to refer the resolutions to the committee on Public Safety

Mr. Green moved to amend by inserting the committee on Federal Relations. Lost.

The motion of Mr. Jennings then prevailed.

Mr. Ford of Caldwell offered the following resolutions

"Resolved 1st, That this Convention will on the day of at the hour of elect seven delegates to represent the State of Texas in a convention of the States which have seceded and which may hereafter secede from the government formerly known as the United States of America to meet in the City of Montgomery in the State of Alabama on the 4th day of Feby. A. D. 1861.

"2nd. That said delegates are hereby instructed to use their efforts for the formation of a provisional government for the seceded States to go into operation before the 4th day of March A. D. 1861, and to offer in behalf of the people of Texas to said convention the constitution of the late United States as a suitable basis of such provisional government; provided that said provisional government and the tenure of all offices and appointments under it shall expire within one year from the 4th day of February A. D. 1861, or when a permanent government shall have been organized

"3rd. That said delegates are further instructed to use their efforts to procure the formation of a Southern Confederacy of the seceding States, and that for said purpose they urge upon said conention the formation of a constitution and plan of permanent government for said Confederacy which when formed shall be referred to the several States for their ratification or rejection

"4th. That it is the deliberate sense of this Convention that each State represented in said convention shall be entitled to one vote upon all matters which may be acted on by said convention

"5th. That in case the convention contemplated by these resolutions does not meet at the time and place specified in these resolutions, then the delegates elected by this Convention be and they are hereby accredited to any other convention of the seceding States having for its object the formation of a Southern Confederacy."

On motion of Mr. Terry of Tarrant laid on the table.

Mr. Maxey offered the following resolution,

"Resolved, That it is the sense of this Convention that when the ordinance of secession is passed it shall be referred to the people of the State for their ratification.[”]

On motion of Mr. Jennings the resolution was laid on the table.

Mr. Wiley offered the following resolutions

"Resolved that this Convention forthwith appoint three commissioners to attend the convention of the Southern States at the City of Montgomery, Alabama, to tender said convention assurances of our cordial sympathy in its proceedings, and also of the co-operation of Texas in extending and strengthening a Southern Confederacy, as soon as her people can act authoritatively in the premises, and that said commissioners be instructed to urge upon said conventon the propriety of styling the constitution it may adopt 'The Constitution of the *Southern* United States'; and also providing therein for the admission of any of the slave-holding States which may hereafter ratify the same, *by a vote of its people;* and recognizing their senators and representatives, respectively, in the present congress of the United States, as duly qualified to represent them, respectively, in the

Southern United States, and also providing for the continuance in office, under the new federal government, of the existing federal officers in each of the slave-holding States that may hereafter come into the Union of the Southern United States.[”]

Mr. Gray offered the following resolution as a substitute for the foregoing

“Resolved that the people of Texas are in favor of the speedy formation of a federal union with other slave-holding States.”

On motion of Mr. Scurry the resolution and substitute were laid on the table.

Mr. Graham from the committee to which were referred the resolutions relative to waiting on the Governor made the following report.

To the Hon O. M. Roberts
President of the Convention

The special committee appointed for the purpose of considering the resolution and substitutes proposing to raise a committee to wait upon the Governor have discharged that duty, and beg leave to report the accompanying resolutions as a substitute and recommend their adoption.

“Resolved that a committee of five be appointed by the President whose duty it shall be to wait on the Executive of the State and confer with him on subjects connected with our federal relations; and also that a like committee of five be appointed by the President to inform the Legislature now in session that this Convention is organized and ready for business.

“Resolved 2nd, that it is the desire of this Convention to act in harmony with the different Departments of our State Government.”

On motion of Mr. Graham the rule was suspended, the resolutions taken up and adopted.

The President appointed the following persons the committee. Mesrs. Reagan, Gray, Rogers of Harris, Stell and Devine

Mr. Rogers of Harris offered the following resolution which was adopted.

“Resolved that a committee on Foreign Relations composed of seven persons be appointed by the President of this Convention”

Mr. Beazley offered the following resolutions

1st. “Resolved that it is the request of this Convention that the House of Representatives grant it the use of this Hall during business hours until this Convention shall have concluded its deliberations

2nd. “That the Secretary of this Convention prepare a copy of the same and present it to the Hon. M. D. K. Taylor, Speaker of the

House of Representatives, with a request that he lay the same before that body."

On motion of Mr. Nelson laid on the table.

The President announced the following as the committee to wait upon the Hon. Jno. McQueen, commissioner from the State of South Carolina. Mesrs. Chilton, Wilcox and Lubbock.

On motion of Mr. Ochiltree the Convention took a recess of twenty minutes.

At the expiration of the time the Convention was called to order.

The committee appointed to wait upon the Hon. Jno. McQueen reported that duty performed, when he was introduced to the Convention with appropriate honor and invited to a seat on the President's left.

Mr. T. J. Chambers, chairman of the committee on Federal Relations, made the following report

To the President of the Convention of the State of Texas.

The undersigned chairman of the committee on Federal Relations has been instructed by the committee to report and recommend the accompanying "Ordinance to dissolve the union of the State of Texas with the government of the United States of America, and to resume all the powers delegated to that government and her position of equality among the nations of the earth"

Upon the adoption of this part of the ordinance there was complete unanimity in the committee, but the chairman regrets to have to report that the same unaimity could not prevail upon the adoption of the second section, for the submission of the ordinance to the people for their ratification. There was a minority of the committee and with them the chairman who believed that the circumstances in which we are placed, and the danger by which we are surrounded, demand that the ordinance should be adopted by the Convention in such form as to infuse into it immediate and effective vitality.

All of which is respectfully submitted.

T. J. Chambers, Chrmn.

An Ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled "The Constitution of the United States of America."

Sec. 1. Whereas, The Federal Government has failed to accomplish the purposes of the compact of union between these States in giving protection either to the persons of our people upon an exposed frontier or to the property of our citizens; and whereas the action of the Northern States of the Union, and the recent development in federal affairs, make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interests and prosperity of the Southern people, instead of permitting it to be as it was intended our shield against outrage and aggression: Therefore

We the people of the State of Texas in Convention do declare and ordain, that the ordinance adopted by our Convention of delegates on the 4th day of July A. D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into union with other States and became a party to the compact styled "The Constitution of the United States of America" be and is hereby repealed and annulled; that all the powers which by said compact were delegated by Texas to the Federal Government are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact and is a separate sovereign State.

Sec. 2. This ordinance shall be submitted to the people of Texas for ratification or rejection by the qualified voters on the 23rd day of February A. D. 1861, and unless rejected by a majority of the votes cast shall take effect and be in force on and after the 2nd day of March, A. D. 1861.

Done by the people of the State of Texas in Convention assembled at Austin, this day of , A. D. 1861.

The Ordinance was read 1st time.

Mr. Ochiltree, from the committee on Federal Relations, made the following minority report.

To the President of the Convention.

The minority of the committee on Federal Relations concur fully with the majority in recommending the adoption of the ordinance reported by the said committee; but we ask leave respectfully to dissent from the resolution accompanying the ordinance, which proposes to refer said ordinance to a vote of the people for ratification or rejection. The minority are of the opinion that the best interests of the people of the State would be served by giving an immediate operation to the ordinance of secession.

W. B. Ochiltree
A. W. O. Hicks
Wm. S. Todd
P. T. Herbert.

Mr. Scott moved a suspension of the rules in order that the reports might be taken up for action.

On motion of Mr. Rainey the Convention adjourned until 7 ½ o'clock P. M. to meet in secret session.

Jany 30th/61, 7 ½ o'clock, P. M.

In Secret Session.

The Convention met pursuant to adjournment. Roll called. Quorum present.

On motion of Mr. Rogers of Harris the Hon. Royal T. Wheeler was admitted into the secret session of the Convention.

On motion of Mr. Oldham Lt. Gov. Ed. Clark was admitted into the secret session of the Convention

By leave Mr. Chilton introduced the petition of the "Tyler Dragoons" which was referred to the committee on Public Safety.

By leave Mr. Brown introduced an ordinance to secure the friendship and cooperation of the Choctaw, Chickasaw, Cherokee, Creek and other Indian nations.

On motion of Mr. Brown the ordinance was referred to the committee on Public Safety without reading.

By leave, Mr. Reagan from the committee to wait upon the governor made the following report.

To the President of the Convention of the people of Texas.

The committee appointed to confer with the Executive of the State on the condition of our federal relations, report that they waited on the Governor and informed him of our official character and the purport of our visit. He received us with due respect, expressed his thanks for this action of the Convention, and assured us that he would communicate his views in writing on to-morrow by 11 o'clock A. M. as he understood that the Convention met in the afternoon. On our delivering to him a copy of the resolutions under which we acted, and enquiring whether the answer he had given was to be understood as his definite answer to our visit for conference, he replied that it was for the present, and that he would communicate further in writing to-morrow. The committee propose to wait on the Governor for his communication at the time designated.

Jno. H. Reagan
P. W. Gray
Jno. D. Stell
Thos. J. Devine
W. P. Rogers.

By leave, Mr. Stell chairman of the committee to present business for the consideration of this Convention reported "An Ordinance to provide for the appointment of Delegates from the State of Texas to a Convention of the Southern Seceded States,[''] and recommended it to the favorable consideration of the Convention.

The ordinance was read 1st time.

The motion of Mr. Scott, to suspend the rules for the purpose of taking up the reports of the majority and minority of the committee upon Federal Relations, and "The Ordinance to dissolve the Union between the State of Texas and the other States united under the compact styled 'the Constitution of the United States of America'["] reported thereby, being next in order, carried. And the reports and ordinance were taken up and read.

The Convention then proceeded to the consideration of the ordinance.

Mr. Wiley offered "An Ordinance to dissolve the existing union between the State of Texas and other States, under a compact entitled 'United States of America' and to establish a new constitution of Government" as a substitute.

An ordinance to dissolve the existing union between the State of Texas and other States under a compact entitled 'Constitution of the United States of America' and to establish a new constitution of Government

Sec. 1. We the people of the State of Texas by our duly elected delegates in Convention assembled do declare and ordain, and it is hereby declared and ordained that the union by a written compact between the State of Texas and the other States, under the name of the United States of America, having failed to answer the ends of its formation, is hereby dissolved, and that Texas is and of right ought to be a free and independent State, that her citizens and people are absolved from all allegiance to the United States or the government thereof, and that as a free and independent State she has full power to do all acts and things which independent States may of right do.

Sec. 2. In order to avoid as much as possible the inconvenience consequent upon the transition from the Federal Union to the position of an independent State, it is further declared and ordained that all parts of the existing State constitution and laws, not repugnant to the foregoing ordinance and the provisions following, shall continue in full force and effect as far as the same may be applicable to our changed condition; and that all the officers of the existing State government shall hold their offices and perform the duties thereof for and during their respective terms, provided nevertheless that each of said officers shall be bound by oath or affirmation to support the ordinance of secession and constitution of government adopted by the Convention; and no officer of the existing State government shall proceed in the discharge of the duties of his office until he has taken said oath or affirmation to be administered as herein provided. viz: To the Governor by the Lt. Governor, as soon as practicable after this ordinance and constitution take effect, and to all other officers by any officer authorized by law to administer oaths; and in case the Governor for a week, or any other officer for the period of [a] whole month after this ordinance and constitution take effect, neglect or fail to take said oath or affirmation his office shall be deemed and held vacant and the same filled and the duties thereof discharged as though he were dead or had resigned The said oath or affirmation shall be administered in the form following, to wit: "I (A. B.) do solemnly swear or affirm (as the case may be) that I will support the ordinance of secession and the constitution of government ratified by the people of Texas on the day of in the year 1861. So help me God."

Sec. 3. Immediately after the adjournment of this Convention, the Governor of this State, or in case of his fault the Lieut. Governor, shall issue his proclamation directing the chief justices of the several counties of this State, and the several chief justices are hereby required to cause polls to be opened in their respective counties at the established precincts on the day of Feby. 1861, for the purpose of taking the sense of the people of Texas upon the ordinance of secession and constitution of government adopted by this Convention, and also upon any constitution of general government for the slave-holding States that may be adopted by the convention to assemble at the City of Montgomery, Alabama, on the 4th day of Feby. A. D. 1861, and the votes of all persons entitled to vote under the existing laws shall be received. Each voter shall express his opinion "viva voce" either for the ratification of the ordinance of secession and constitution of State government or for the rejection of the ordinance of secession and constitution of State government, and at the same time the vote shall be taken in like manner for the ratification of any constitution of general government for the Southern United States that may be adopted at Montgomery, Alabama, with a view to make Texas a party thereto, or for the rejection thereof, and each issue submitted to the people shall be decided by a majority of the votes cast thereon. The election shall be conducted in conformity to existing laws regulating elections, and the chief justices of the several counties shall promptly and carefully make triplicate returns of said polls, one of which shall be transmitted to the Secretary of State, one to the Lieut. Governor, and the other deposited in the clerk's office of the county court. In case any chief justice shall make default herein, any one or more of the county commissioners are authorized to perform the duties enjoined upon the chief justices, and in case of their default then the people may assemble at the various precincts on the day of election, appoint presiding officers or managers and make returns as herein provided. Upon the receipt of said returns upon the day of March A. D. 1861, (if the returns be not sooner made), it shall be the duty of the Governor or in case of his default the Lieut. Governor, in the presence of such persons as may choose to attend, to compare the votes given for the ratification or rejection of the ordinance of secession and constitution of State government, and also the votes given for the ratification or rejection of any constitution of general government for the Southern United States that may be adopted at Montgomery, Alabama, and if it should appear from the returns that a majority of the votes given is for the ratification of the ordinance of secession and constitution of State government adopted by the Convention, then it shall at once be the duty of the Governor, or in case of his default the Lieut. Governor, to make proclamation of the fact, and thenceforth the ordinance of secession and constitution of State government adopted by this Convention shall take effect; and if it shall also appear from the returns that a majority of the votes given is for the ratification of the constitution of general government for the *Southern* United States that may be adopted at Montgomery, Alabama, then it shall be in like manner the duty of the Governor, or in case of his default, the Lieut. Governor to make proclamation of the fact, and thenceforth Texas shall be one of the Southern United States, with a written federal constitution to take effect at the same time with the ordinance of secession and constitution of State government; the authority for each act being the sovereign will of the people of Texas. In the event of the ratification by the people of Texas of the ordinance of secession and constitution of State government and federal government of the Southern United States, the Governor of this State or in his default the Lieut. Governor is authorized and required to transmit to the executive of the Southern United States duplicate copies of the ordinance of secession and constitution of State government of Texas properly authenticated, also properly authenticated statements of the number of votes given for the ratification of the federal constitution of the Southern United States, and the number for the rejection, one of which copies shall be transmitted by mail, and one copy by special messenger in time to reach the seat of government of the Southern United States on or before the day of May next.

On motion of Mr. Field the ordinance offered by Mr. Wiley was laid on the table.

The question recurring upon the ordinance offered by the committee on Federal Relations, Mr. Gregg moved to strike out the 2nd Section.

Pending which motion on motion of Mr. Wharton the Convention adjourned until tomorrow at 11 o'clock, A. M., to meet in secret session.

City of Austin Texas
Thursday, Jany. 31st 1861.

In Secret Session.

The Convention met pursuant to adjournment, at 11 o'clock A. M. Roll called. quorum present.

Mr. Hord presented the credentials of Mr. F. W. Latham, which were received, and Mr. Latham took his seat in the Convention.

Mr. Davidson moved to add Mr. Ganahl to the committee on Public Safety, which was carried

Mr. Jennings moved to add Mr. Latham to the same committee, which was carried.

On motion of Mr. Anderson of Colorado, Mr. Oldham was added to the same committee

On motion of Mr. Chilton, Mr. W. L. Chalmers and Mr. H. H. Haynie were requested to act as Secretaries to the Convention during the temporary absence of the Secretary, occasioned by a family bereavement.

On motion of Mr. Gregg, Mr. Reagan was added to the committee on Federal Relations

By leave, Mr. Maxey submitted the following report;

"The committee charged with the duty of informing the Revd. W. H. Bayless of his election as chaplain of the Convention, beg leave to report that they have performed that duty and the Revd. Gentleman has signified his acceptance of the same."

By leave, Mr. Gregg offered the following resolution,

"Resolved that the committee on Finance be instructed to confer with such committees as the House and Senate may appoint concerning an appropriation of such funds as the State government may have in possession, and such as it may raise by the ordinary modes of taxation and that the same committee be instructed to report to the Convention a statement of the available means of the State and what appropriations have been made[''] Adopted.

Mr. Chilton offered the following preamble and resolutions,

"Whereas it is the opinion of this Convention that the capacity of a free government for self-reliance depends much upon its capacity for supplying all the reasonable demands of its citizens, and whereas the future may devolve upon the State of Texas a dependence upon her internal resources, and whereas further it is the duty of the legislative department of every government to provide such laws as will foster every branch of industry within its limits, therefore

"Be it resolved, That we most respectfully recommend to the Legislature of this State now in session the propriety of enacting some law giving adequate protection to and extending the fostering care of the State over the manufacturing interests and enterprise of Texas.[")

Referred to the committee on Resolutions.

Mr. Muller offered the following resolution

"Resolved that a committee of seven be appointed on 'Commerce, Revenue and Navigation[' "] Adopted.

The question pending when the Convention adjourned last night, viz: the motion to strike out the 2nd section of the ordinance of secession, was taken up.

On motion of Mr. Flournoy the Convention adjourned until 2 ½ o'clock, P. M.

Thursday Jany 31/61. 2 o'clock, P. M.

The Convention met. Roll called. Quorum present.

Mr. Davidson moved that some delegate be appointed to receive the flag to be presented to the Convention by the ladies. Carried.

The president appointed Jno. A. Wharton to perform that duty.

On motion of Mr. Rogers of Harris the President administered an oath of secrecy to the delegates and officers during the secret sessions, until the seal of secresy should be removed.

Mr. Nash asked and obtained leave to record his vote in favor of Mr. Wharton's resolution relative to secession.

The question pending, when the Convention adjourned, viz: the motion to strike out the 2nd section of the ordinance of secession, was again taken up.

Mr. Ireland moved to substitute the motion to strike out the 2nd section by the following.to come in at the end of the 1st section "and that this ordinance shall take effect and be in force from and after its passage.

"Sec. 2. to read as follows, 'That this ordinance shall be submitted to the people of Texas for rejection by the qualified voters on the 23rd day of February A. D. 1861, and unless rescinded by a majority of votes cast, shall remain in effect and be in force from and after its passage.'["]

Mr. T. J. Chambers offered the following as a substitute for the substitute, and for the 2nd section of the ordinance.

Sec. 2. Be it ordained that the powers delegated to the government of the United States of America, and now resumed, be deposited in the existing government of the State, to be exercised according to the division of powers established in the constitution of the State.

Sec. 3. Be it ordained that there shall be an election held on the 23rd day of February next for a governor and members of the legislature of the State in accordance with the last apportionment and the existing laws, and under such further regulation as the present legislature may deem expedient, and the said governor and members of the legislature to be thus elected shall enter upon the discharge of their respective duties on the 2nd day of March next, and continue in the exercise of their powers until they may be superseded by others to be elected and installed according to the existing laws; provided the action of this Convention shall be ratified by a majority of the members elected. And in order that the will of the people may be ascertained each voter shall endorse on his ticket the word 'ratified' if it be his will to sustain the action of the Convention, and if his will be to reject the action of the Convention then he shall endorse on his ticket the word 'rejected'; and if a majority of the votes cast shall be in favor of rejecting the action of this Convention, then the members elected shall assume the character of a convention, clothed with full powers to execute the will of the people: and in the meantime this ordinance shall be the supreme law of the land.

Sec. 4. Be it ordained that there shall be elected on the 1st day of February next by a joint vote of this Convention and the present Legislature seven delegates to represent the State of Texas in a convention to be composed of delegates from as many slave States as have already or may hereafter dissolve their connection with the government of the United States and may desire to cooperate in the adoption of measures for their common safety and defence, and to agree upon a basis of a new confederacy of slave States, provided that the State of Texas shall not be bound as a member of said confederacy until the constitution thereof shall be ratified by the people of Texas.

Sec. 5. Be it ordained that the present Legislature is hereby authorized and enjoined to watch over and provide for the safety of the State, and to see that it suffer no detriment at the hands of its enemies until another legislature be duly installed, and for this purpose it is authorized to adjourn and assemble at will, to pass all laws necessary to carry into full effect the powers heretofore delegated but now withdrawn from the Federal Government, and in the name of the State to contract such debts and to bind the State therefor, not to exceed five millions of dollars as may be necessary for the defence of the country.

Done at the Capitol in the City of Austin this the 30th day of Jany. A. D. 1861.

On motion of Mr. Robertson of Smith the main question was ordered, being the motion to strike out the second section of the ordinance, the same was put and the vote stood thus

Yeas, Mesrs. Campbell, Casey, Wm. Chambers, T. J. Chambers, Clopton, Davenport, Dean, Field, Feeny, Herbert, Hicks, Holt, Luckett, Maltby, McKay, Mills, Ochiltree, Peck, Poag, Pope, Rogers of Marion, Scott, Taylor, Todd, Ward, Warren and Wier, 29.[5]

Nays, Mesrs. President, Abercrombie, Adams, Allen, Anderson of Cherokee, Anderson of Colorado, Armstrong, Askew, Batte, Beasley, Box, Burroughs, Burdett, Burton, Black, Blythe, Bradshaw, Brahan, Broaddus, Brown, Chambers of Titus, Charleton, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Dancy, Davidson, Devine. Diamond of Cooke, Diamond of Grayson, Donalson, Dunham, Edwards, Earley, Fall, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Gould, Graham of Bee, Graham of Rusk, Gray, Green, Gregg, Hardeman, Hays, Hill, Hobby, Hogg, Hooker, Hord, Howard, Hoyle, Hughes, Hutchison, Ireland, Jennings, Johnson of Lamar, Johnson of Titus, Jones, Kelly, Koester, Lesueur, Lea, Lester, Littleton, Lock, Lofton, Lubbock, Maxey, McCraven, McCraw, McIntosh, Miller, Moore of Burnett, Moore of Fayette, Moore of Henderson, Montel, Moss, Muller, Nash, Nauendorf, Neel, Nelson, Newsome, Neyland, Nichols, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Oldham, Palmer, Payne of Hopkins, Payne of Henderson, Portis, Prendergast, Preston, Price, Rainey, Rains, Reagan, Rector, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Ross, Rugeley, Runnels, Shufford, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Fort Bend, Terry of Tarrant, Thomasson, Thompson, Throckmorton, Waller, Walworth, Watkins, Wharton, Wilcox, Wiley, Williams of Lavacca, Williams of Lamar, Wilson, Work and Wright, 143. [Correct total 145.]

So the Convention refused to strike out the 2nd section of the ordinance

The following communication was taken from the President's table and read

---

[5] While only 27 names appear in the list above, *The State Gazette* (Austin), February 9, 1861, also reports the total as being 29.

Austin Jany. 31st 1861.

To the Hon. O. M. Roberts
President of the Convention of Texas.

Sir,

I have the honor to inform you that I have been appointed a commissioner by the Convention of South Carolina for the purpose of laying the Ordinance of Secession of that State before your Convention, and respectfully inviting your cooperation in the formation with us and other seceding States of a Southern Confederacy.

I herewith enclose you my commission as such and respectfully suggest that it will afford me great pleasure to appear before your Convention and discharge the duties of my commission at any time, after to day, that will comport with the convenience and pleasure of your body.

I have the honor to be

Jno. McQueen.

Mr. Reagan offered the following resolution which was adopted.

"Resolved that the President appoint a committee of "five" to wait upon the commissioner from South Carolina, and inform him that his communication of this date has been received and that it will be the pleasure of this Convention to receive him or any communication he may desire to make on to morrow at 2 ½ o'clock, P. M.["]

On motion the Convention adjourned until 8 o'clock, P. M.

Thursday Jany 31st 1861. 8 o'clock, P. M.

The Convention met. Roll called. Quorum present.

Mr. Taylor asked and obtained leave to change his vote on the motion to strike out the 2nd section of the ordinance of secession.

Mr. Scarborough, delegate elect from Cameron and Hidalgo counties, came forward, presented his credentials and took his seat.

Mr. Davidson offered a resolution relative to the arms and arsenal of the State which was referred to the committee on Public Safety

Mr. Rainey proposed to amend the ordinance of secession as follows, after the word "Union" in the 4th line insert the following words, "is violative of the compact between the States and the guarantees of the Federal Constitution" and after the word "and" in the same line insert "Whereas". Adopted.

Mr. Scurry offered the following resolution by leave,

"Resolved that S. Hart and P. T. Herbert be appointed commissioners to Arizona," which was referred to the committee on Public Safety.

By leave Mr. Ochiltree offered the following resolution,

"Resolved that it is the opinion of the people of the State of Texas, through their delegates in Convention assembled expressed, that the principle embraced in what is known as the 'Monroe Doctrine' is of the most vital importance to the State of Texas, and will be of equal importance to any confederation of the slave States hereafter to be established, and that our delegates hereafter to be appointed to represent the State of Texas in a convention of the seceding States to be held in the City of Montgomery on the day of next be required to present said matter to the consideration of said convention, and to urge upon the same the enforcement of said doctrine."

Referred to the committee on Federal Relations

The President announced Mesrs. Reagan, Ochiltree, Gregg, Frost and Abercrombie a committee to wait on the commissioner from South Carolina.

On motion of Mr. Ireland the doors of the Convention were thrown open.

Mr. Brown offered the following amendment to the 1st Section 6th line of the ordinance after the words "the Southern people" insert the words "Texas and her sister slave-holding States." Adopted.

Mr. Nelson offered the following resolution which was adopted.

"Resolved that this Convention will proceed to vote upon the ordinance of secession without debate tomorrow at 12 o'clock, M.["]

Mr. Howard proposed to amend the ordinance as follows: Add to Sec. 2nd the following proviso, "Provided that in the representative district of El Paso said election may be held on the 18th day of Feby. A. D. 1861.["] Adopted.

Mr. Gray offered the following amendment: Insert ["]Sec. 3. All rights of property or contracts acquired or vested under the constitution of the United States or laws or treaties in pursuance thereof or under the laws of the State, which are not incompatible with this Ordinance shall remain as valid as before its adoption.["]

On motion of Mr. Nelson the previous question was ordered, which being the engrossment of the ordinance, the same was put and carried.

Mr. Devine made the following report from the committe appointed to wait on the Governor

Committee room Jany. 31st/61.

To the President of the Convention

The committee appointed to confer with the Governor upon the subject of our federal relations report that we have waited on him according to appointment, and have received as the result of our conference the accompanying communication in writing from him, and herewith report the same for the consideration of the Convention.

Jno. H. Reagan,
Jno. D. Stell,
P. W. Gray,
W. P. Rogers,
Thos. J. Devine.

Executive Department
Austin Texas, Jany. 31st/61.

To Mesrs. Reagan, Gray, Rogers, Stell and Devine.
Committee of the Convention.

Gentlemen,

The Executive has had the honor to learn at your hands of the passage of a resolution by the Convention assembled expressing a desire on the part of that body "to act in harmony with the different departments of the State government" upon matters touching our federal relations

Through the action of the Legislature of the State of Texas, a co-ordinate department of the government, the Executive has received official information that the Convention assembled has been recognized as possessing powers within the scope of the call under which its delegates were elected, the same to be submitted to a vote of the people at the ballot box for their ratification or rejection; not only does this action on the part of the Legislature commend the Convention to my consideration, but the high character and respectability of the delegates composing it, commands my respect.

I can assure you, gentlemen, that whatever will conduce to the welfare of our people will have my warmest and most fervent wishes, and when the voice of the people of Texas has been declared through the ballot box, no citizen will be more ready to yield obedience to its will or risk his all in its defence than myself. Their fate is my fate. Their fortune is my fortune. Their destiny my destiny, be it prosperity or gloom, as of old I am with my country.

For the courtesy paid me by the Convention and for the kind sentiments expressed by the committee receive my thanks, and you can assure the Convention of the readiness of the Executive to act in harmony with the Convention in securing an expression of the popular will in the matter touching our federal relations and that he will cheerfully confer with any committee appointed for that purpose

Very respectfully

Sam Houston.

Mr. Wiley proposed to amend the ordinance by adding at the end of the 1st section the following, "And that her citizens and people are absolved from all allegiance to the United States or the government thereof''

On motion the Convention adjourned until 11 o'clock, A. M. on to morrow.

City of Austin Texas,
Friday, Feby. 1st 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. prayer by the chaplain.

On motion of Mr. Stell the reading of the Journal was dispensed with for the present

The President announced Mesrs. Muller, Rhome, Hobby, Latham, Casey, McCraven and Edwards a committee on Commerce, Revenue and Navigation

Mesrs. Rogers of Harris, Runnels, Ireland, Lea, Scurry, Terry of Tarrant and Burroughs a committee on Foreign Relations.

Mr. Portis offered the following resolution which was adopted.

''Resolved that the Governor, Lieut. Governor, Judges of the Supreme and District courts be invited to seats within the bar of the Convention.[''']

Mr. McCraven moved that a committee be appointed to wait upon the Governor and Lieut. Governor and invite them to seats within the bar of the Convention. Carried.

The President appointed Mesrs. McCraven, Hogg, Coke, Chilton and Casey said committee.

Mr. Flournoy offered the following resolution which was adopted.

''Resolved that a committee of five be appointed by the President to arrange chairs for the Governor, Lieut. Governor, Chief and Associate Justices of the Supreme Court, Speaker of the House of Representatives and Judges of the District and Federal courts.[''']

On motion of Mr. Runnels, Mr. Clopton was added to the committee on Foreign Relations instead of Mr. Runnels.

The President appointed Mesrs. Flournoy, Wiley, Rogers of Marion, Graham of Rusk, and Maxey a committee to arrange seats for the Supreme Judges, Speaker of the House of Representatives, Senators and Representatives

The Governor was then announced who received and accepted an invitation to a seat on the right of the President.

The hour having arrived for the special order, viz: the ordinance of secession was taken up, read a 3rd time and passed by the following vote.

Yeas, Mesrs. President, Abercrombie, Adams, Allen, Anderson of Colorado, Anderson of Cherokee, Armstrong, Askew, Batte, Beazly, Box, Burroughs, Burton, Burdett, Black, Blythe, Bradshaw, Brahan, Broaddus, Brown, Campbell, Casey, Wm. Chambers, T. J. Chambers, Chambers of Titus, Charleton, Chilton, Chisum, Clayton, Clark, Cleveland, Clopton, Coke, Cooke, Dancy, Davenport, Davidson, Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donalson, Dunham, Edward, Earley, Fall, Field, Feeney, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Gould, Graham of Bee, Graham of Rusk, Gray, Green, Gregg, Hardeman, Hays, Herbert, Hicks, Hill, Hobby, Hogg, Holt, Hooker, Hord, Howard, Hoyle, Hutchison, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Latham, Lea, Lester, Littleton, Locke, Lofton, Lubbock, Luckett, Maltby, Marshall, Maxey, McCraw, McCraven, McIntosh, McKay, Miller, Mills, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Muller, Nash, Nauendorf, Neel, Nelson, Newsome, Neyland, Nichols, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Ochiltree, Oldham, Palmer, Payne of Henderson, Payne of Hopkins, Peck, Poag, Pope, Portis, Prendergast, Preston, Price, Rainey, Reagan, Rector, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Fort Bend, Terry of Tarrant, Thomasson, Thompson, Todd, Waller, Walworth, Ward, Warren, Watkins, Wharton, Wier, Wilcox, Wiley, Williams of Lavacca, Wilson and Work, 166.

Nays, Mesrs. Hughes, Johnson of Lamar, Johnson of Titus, Rains, Shuford, Throckmorton, Williams of Lamar, and Wright 8.

On motion of Mr. Reagan the ordinance was ordered to be engrossed on parchment and presented for the signature of delegates at 8 o'clock, P. M.

A flag was then presented to the Convention by the ladies of Travis county through Mr. George Flournoy, delegate from Travis county, and received by Mr. John A. Wharton of Brazoria county.

On motion the Convention adjourned until 2 ½ o'clock P. M.

2 ½ o'clock, P. M.

The Convention met. Roll called. quorum present.

On motion of Mr. Moore of Fayette, Mr. Jesse Burnham was admitted to a seat within the bar of the Convention.

Mr. Jennings offered the following resolution which was adopted.

"Resolved that the President of this Convention without delay communicate copies of the ordinance of secession to the Governor and Legislature, and request their cooperation in submitting it to the people of Texas for their concurrence and ratification.["]

Mr. Lea offered the following resolution which was adopted.

"Resolved that the committee on Federal Relations is instructed to draft and report an ordinance prescribing the mode of an election to be held for ratification or rejection of the ordinance of secession and of declaring the result.[”]

Mr. Ochiltree chairman of the committee for that purpose introduced Genl. Jno. McQueen, commissioner from the State of South Carolina

Genl. McQueen upon being introduced to the Convention said,

"Mr. President and Gentlemen of the Convention. 1 I have been honored with a commission by the Convention of the State of South Carolina to repair to your State and lay before your Convention an ordinance of the State of South Carolina, by which she seceded from the confederacy and dissolved all connection with the federal government of the United States. 2 And also to tender to you the sincere sympathy of the people of South Carolina in the great and momentous movement in which we are all engaged, and in which our interests are identical and our honor is alike involved. 3 I am also instructed respectfully to suggest to you, in the event of your secession to cooperate with us and other seceding Southern States in the formation of a confederacy in which the constitution of the United States is to be taken as a basis, and that you send delegates to a convention to be held at Montgomery in the State of Alabama, on the 4th day of this month to establish a government for such seceding States.

"Having thus been honored by your body with an opportunity of discharging the special objects of my mission, I shall not presume to trespass upon your patience with any suggestions of mine as to your duty to your State. Indeed, had I no scruples upon the propriety of doing so, I should certainly decline it being too well satisfied that the honor and interests of Texas are much more secure in your own hands. But I trust I may not be intrusive if I refer for a moment to the circumstances which prompted South Carolina in the act of her own immediate secession, in which some have charged a want of courtesy and respect for her Southern sister States. She had not been disturbed by discord or conflict in the recent canvass for president or vice-president of the United States. She had waited for the result in the calm apprehension that the Black Republican party would succeed. She had, *within* a year, invited her sister Southern States to a conference with her on our mutual impending danger. Her legislature was called in extra session to cast her vote for president and vice-president, through electors, of the United States and before they adjourned the telegraphic wires conveyed the intelligence that Lincoln was elected by a sectional vote, whose platform was that of the Black Republican party and whose policy was to be the abolition of slavery upon this continent and the elevation of our own slaves to an equality with ourselves and our children, and coupled with all this was the fact that, from our friends in our sister Southern States, we were urged in the most earnest terms to secede at once, and prepared as we were, with not a dissenting voice in the State, South Carolina struck the blow and we are now satisfied that none have struck too soon, for when we are now threatened with the sword and the bayonet by a Democratic administration for the exercise of this high and inalienable right, what might we meet under the dominion of such a party and such a president as Lincoln and his minions.

"It is from under such dominion that South Carolina respectfully invites you to unite in forming a government with a homogeneous people, identical in interest with you, and whose effort it will be to perpetuate the institutions of our fathers.

"We are not unmindful of your illustrious history when fresh from the fields of victory and glory in which you established your own independence you presented a spectacle unexampled in the history of the world. With a territory sufficiently extensive for empires, with a soil rich in the production of everything necessary for the happiness of man, and with a climate as lovely as can be found on any spot of the habitable globe, without money and without price, you united your destiny with a sisterhood, whose duty it was to foster and protect you, and yet from our common enemy you received in return but neglect and insult; and even arson and poison, that your hearthstones might be violated and your wives and little ones tortured and murdered.

"In conclusion I will simply add that it is a source of highest gratification to me, from what I have witnessed since I have been with you, and the intelligence and spirit in your honorable body, to be able to report on my return to South Carolina, and on the wayside, through six now independent, sovereign, Southern States, that your own noble State of Texas, in her own way, and at her own time will very soon be added to their number, and ready to unite with them in a Southern Confederacy, to perpetuate the institutions of our ancestry, who transmitted them to us, that we should have in them but an usufruct, and transmit them, untarnished, to our posterity.

"Allow me again Mr. President and Gentlemen of the Convention, to tender you my sincere thanks and gratitude for the honor you have bestowed upon me, and the kindness you have extended to me both publicly and privately since I have had the pleasure of associating with you and to assure you that they will most kindly be remembered by me and I am sure appreciated by the State I represent."

On motion of Mr. Reagan the commission and accompanying documents of the commissioner from South Carolina were ordered to be filed with the papers of the Convention, and on motion of Mr. Chilton referred to the committee on Business.

Mr. Campbell offered the following preamble and resolutions, which were referred to the committee on Public Safety.

"Whereas there is reason to believe that the State of Louisiana has in her charge and under her control a large supply of arms not necessary to her own immediate wants, therefore,

"Be it resolved that a commissioner be appointed and commissioned by the President of this Convention to repair to the State of Louisiana and in behalf of this State solicit of the governor of the State of Louisiana the use of such arms and munitions as he may consider it convenient and adapted to the requirements of the present emergencies in which we are placed.

"Be it further resolved that the commissioner be also instructed to solicit of the governor of said State of Louisiana the piece of artillery surrendered by the Santa Fe expedition and recaptured near the city of Mexico by the American forces, which piece of artillery this State desires to reclaim as a memorial of an unfortunate but commendable enterprize."

Mr. Neyland offered the following resolution which on motion was laid on the table.

"Resolved that this Convention will adjourn to morrow night at 12 o'clock, and that a new convention consisting of ninety members, one for each representative district in the lower house of the State legislature, be elected on the 23rd day of Feby. next, to assemble at the City of Austin on the 2nd day of March, 1861.["]

Mr. Ireland offered the following resolution which on motion was referred the committee on Public Safety.

"Resolved that it is the opinion of this Convention that the troops now in the service of the United States in Texas should be mustered into the service of the State of Texas for the time being.["]

Mr. Herbert offered the following resolution which was referred to the committee on Commerce

"Resolved that from and after the passage of the ordinance of secession upon the part of this State, it shall be the duty of all persons holding offices for the collection of revenue under the Federal Government in this State to be installed as officers of the State of Texas, and make their returns to the treasurer of the State of Texas.["]

Mr. Anderson of Cherokee introduced “An ordinance providing for State officers continuing in office until otherwise provided.[”] Read 1st time and referred to the committee on Business.

Mr. McKay offered the following resolution which was referred to the committee on Federal Relations.

“Resolved that all federal officers in this State are requested to resign, except post masters”

Mr. Muller moved that a committee of five be appointed on Postal Affairs. Carried.

Mr. Stewart of Gonzales offered the following resolution which was adopted.

“Resolved that the Convention expresses its deep sorrow for the serious illness of the Hon. J. C. Wilson which has prevented his attendance on the Convention to which he had been elected as a delegate, and we place upon our Journals our acknowledgments of his distinguished service in behalf of the great Southern cause. And the Secretary is requested to furnish him with a copy of this resolution.[”]

Mr. Chilton introduced a resolution relative to the rendition of fugitives from Mexico Read 1st time and referred to the committee on Federal Relations

Mr. Brown offered the following resolution which was adopted.

“Resolved that a committee of five be appointed to prepare and report for the consideration of the Convention an address setting forth the causes which impel Texas to secede from the Federal Union.[”]

Mr. Locke offered the following resolution which was referred to the committee on Business.

“Resolved that it is the sense of this Convention that there should be an article incorporated into the constitution of the Southern Confederacy to be formed at Montgomery, Alabama, that will prohibit any State therein from abolishing slavery.[”]

Mr. Chilton offered the following resolution which was referred to the committee on Finance

“Resolved that the Legislature of the State be, and is requested to appropriate out of such monies not otherwise appropriated the sum of two thousand five hundred dollars, or so much thereof as may be necessary for the contingent expenses of this Convention, and that the Treasurer be required by law to pay out the same upon the order of the President of this Convention.[”]

On motion, Mesrs. Diamond of Cooke, Robertson of Bell and Graham of Rusk were added respectively to the committees of Public Safety, Finance and Commerce.

By request Mesrs. Reagan and Scurry addressed the Convention.

The President announced Mesrs. Muller, Davidson, Stell, Ward and Davenport a committee on Postal Affairs.

On motion the Convention adjourned until 7 ½ o'clock P. M.

Feby. 1st 1861. 7 ½ o'clock, P. M.

The Convention met. Roll called. quorum present.

Mr. Wharton offered the following resolution which was adopted.

"Resolved that Edwin Waller, the only signer of the Texan declaration of independence present as a delegate to this Convention, be honored by permission to sign the ordinance of secession next after the President, and that he be invited to a seat by the side of the President of the Convention during this evening's session.["]

Mr. Nat Terry offered the following resolution which was referred to the committee on Public Safety.

"Resolved by the Convention that five military commissioners be elected by this Convention whose appointment shall continue as long as the emergency lasts, or they shall be superseded by the appointment of others, who when elected shall constitute a permanent military board with full discretionary powers on all subjects rightfully appertaining to military affairs.["]

Mr. Adams presented a communication from the Dallas Light Artillery tendering their services to the Convention, which was referred to the committee on Public Safety.

Mr. Hughes offered the following resolution which was referred to the committee on Resolutions.

"Resolved that the chief justice of each county in the State, or in the event of his failure or refusal so to do, then any one or more of the county commissioners, shall order an election of delegates to be held upon the 23rd day of February A. D. 1861, in such counties as may compose a representative district not already represented by delegates upon this floor, under such rules and provisions as may have heretofore been prescribed for county elections by the statutes of the State of Texas.

"Resolved further that if any vacancy should occur by death or resignation of any of the members of this body before said 23rd day of February the same regulations shall be observed.["]

The Convention then proceeded to sign the ordinance of secession, under the motion of Mr. Reagan submitted this morning, which was done by the members signing as their names were called from the roll, when the following members signed the ordinance to wit:

O. M. Roberts, Presdt.[6]
Edwin Waller
L. A. Abercrombie

W. S. J. Adams
W. A. Allen
James M. Anderson of Cherokee

T. S. Anderson
James R. Armstrong
Rich. L. Askew
Wm. C. Batte
S. W. Beasley
John Box
Jas. M. Burroughs
John I. Burton
S. E. Black
W T Blythe
Amzi Bradshaw
Robert Weakley Brahan
A. S. Broaddus
Jno. Henry Brown
Robert C. Campbell
Lewis F. Casey
Wm. Chambers
T. J. Chambers Chairman of the Committee on Federal Relations
John Green Chambers
N. B. Charlton
Geo. W. Chilton
Isham Chisum
William Clark, Jr
J. A. Clayton
Charles Leander Cleveland
A. G. Clopton
Richd Coke
James E. Cook
Jon W. Dancy
Thos. G. Davenport
A. H. Davidson
C. Deen
Thos. J. Devine
Jas. J. Diamond
Wm. W. Diamond
Jno. Donelson
Joseph H. Dunham
H. H. Edwards
Elbert Early
Jno. N. Fall
Drury Field
John H. Feeney.
George Flournoy
Spencer Ford
John S. Ford
Thomas C. Frost
Amos P. Gallaway
Charles Ganahl
Robert S. Gould
Robert Graham
Malcom D. Graham
Peter W. Gray
Jno. A. Green
John Gregg
Wm. P. Hardeman
John R. Hayes
Philemon T. Herbert
A. W. O. Hicks
Thos. B. J. Hill
Alfred M. Hobby
Jos. L. Hogg
J. J. Holt
James Hooker
Edward R. Hord
Russell Howard
A. Clark Hoyl
Thos. P. Hughes
J. W. Hutcheson
Jno. Ireland
Thos. J. Jennings
F. Jones
William C. Kelly
Th. Koester
C. M. Lesueur
F. W. Latham
Pryor Lea
James S. Lester
John Littleton

---

*The spelling and arrangement of the original signatures attached to the engrossed ordinance of secession have been followed. The ordinance of secession is engrossed on a sheet of parchment 29 x 25 inches. The lower three-fifths of the sheet is filled with the signatures, which are arranged in six columns.

M. F. Locke
Oliver Loftin
Thos. Sallus Lubbock
P. N. Luckett
Henry A. Maltby
Jesse Marshall
James M. Maxey
Wm. McCraven
Thomas M. McCraw
Wm. McIntosh
Gilchrist McKay
Wm. Goodloe Miller
Albert N. Mills
Thomas Moore
Thos. C. Moore
Lewis W. Moore
Charles de Montel
B. F. Moss
John Muller
Thos. J. Nash
A. Nauendorf
T. C. Neel
Allison Nelson
James F. Newsom
W. M. Neyland
E. B. Nichols
E. P. Nicholson.
A. G. Nicholson
James M. Norris
Alfred T. Obenchain
W. B. Ochiltree
W. S. Oldham
R. J. Palmer
W. M. Payne
W. K. Payne
William M. Peck
W. R. Poag
Alexander Pope
David Y. Portis
D. M. Prendergast
Walter F. Preston
F. P. Price
A. T. Rainey
John H. Reagan
C. Rector
P. G. Rhome
E. Sterling C. Robertson
John C. Robertson (of Smith)
J. B. Robertson of Independence
William Peleg Rogers
James Harrison Rogers
Edward M. Ross
Jno. Rugeley
H. R. Runnels
E. B. Scarborough
William T. Scott
William Read Scurry
James E. Shepard
Sam S. Smith
Gideon Smith
John D. Stell
Jno G. Stuart of Anderson
Charles Stewart of Falls
William H. Stewart of Gonzales
F. S. Stockdale of Calhoun
B. F. Terry of Fort Bend
Nathl Terry, Tarrant Co.
E. Thomason
James G. Thompson
W. S. Todd
Jas. Walworth
R. H. Ward
William Warren
Jas. C. Watkins
Jno. A. Wharton
Joseph P. Wier
Jno. A. Wilcox
A. P. Wiley of Walker
Ben Williams of Lavaca
Jason Wilson
Philip A. Work
Henry Newton Burditt[7]
P. Taylor[7]
Edward Dougherty[7]

---

[7] These three names are included with those signed February 1, but they stand at the end of the list. In the printed lists and in the Journal they are located where an alphabetical arrangement would place them. The Journal shows that Mr. Dougherty signed February 4th.

Attest
R. T. Brownrigg
Sec'y to the Convention
Wm. Dunn Schoolfield
Asst Secy
R. W. Lunday
Asst Secy

March 2nd 1861.[8]

(1)
J. A. Chambers of Red River
Eli. H. Baxter, Jr

(2)
M. J. Hall
William Nash

(3)
W. A. Montgomery
J. L. L. McCall

(4)
Jas. W. Henderson
John R. Henry
James M. Harrison

(5)
Noah Cox
Chas. A. Russell
T. J. Word

(6)
D M Stapp
Geo. H. Bagby
W. Hunt
Tignal W. Jones
W. A. Mattox
Sam A. Willson

Mr. Nicholson of Dallas offered the following resolution which was adopted.

"Whereas the Convention having just finished the important duty of signing the ordinance of secession it is highly proper and appropriate to invoke the blessings of the Great Jehovah upon us as a sovereign people, therefore resolved that the Rt. Revd. Alexander Gregg be invited to the stand for this purpose.["]

Mr. Davidson offered the following resolution which on motion of Mr. Ochiltree was laid on the table.

"Resolved that the committee on Resolutions be instructed to inquire into the expediency of repealing so much of the 33rd Section of the 7th Article of the constitution as provides that the aggregate amount of debts contracted by the legislature shall never exceed the sum of one hundred thousand dollars and to report by resolution or otherwise at their earliest convenience.["]

Mr. Wiley offered the following resolution which was adopted.

"Resolved that 5000 copies of the ordinance of secession with the signatures of the members be printed and circulated among the people of the State.["]

On motion of Mr. Robertson of Smith the Convention went into secret session.

---

[8] The delegates whose names follow this date served only during the adjourned session of the Convention. They signed the ordinance on or after March 2nd. The signatures appear at the bottom of the columns of signatures indicated by the numbers in parenthesis. By examining the certificates of election it will be seen that several of the delegates, elected to fill vacancies, signed the ordinance, although their predecessors had signed before resigning.

In Secret Session.

Mr. Gregg from the committee on Federal Relations reported the following ordinance which was read, adopted by sections and passed as a whole,

An Ordinance prescribing the mode of election to be held for the rejection or ratification of the Ordinance of Separation of the State of Texas from the United States of America[9]

Sec. 1. It is ordained by the people of Texas, assembled by their delegates in Convention, that a general election shall be held on the 23rd day of Feby. A. D. 1861, for the purpose of rejecting or ratifying the ordinance of secession of the State of Texas from the United States of America, passed by this Convention on the 1st day of Feby A. D. 1861.

Sec. 2. That said election shall be held in the usual manner except that each county shall be an electoral district, and the vote returned by the proper officer of such county to the President or Secretary of this Convention at Austin.

Sec. 3. The election shall be held at each precinct by the presiding officer of such precinct, either with or without an order of election from the chief justice of the county.

Sec. 4. The returns from the precincts shall be made on or before the 26th day of Feby, 1861, either to the chief justice, county clerk, or any one of the county commissioners of the respective counties.

Sec. 5. The manner of making returns to the chief justice, county clerk, or commissioners, shall be the same as that used in the ordinary elections, and the returns made to the President or Secretary of this Convention shall be made in the manner now prescribed by law for making returns of election to the office of Secretary of State.

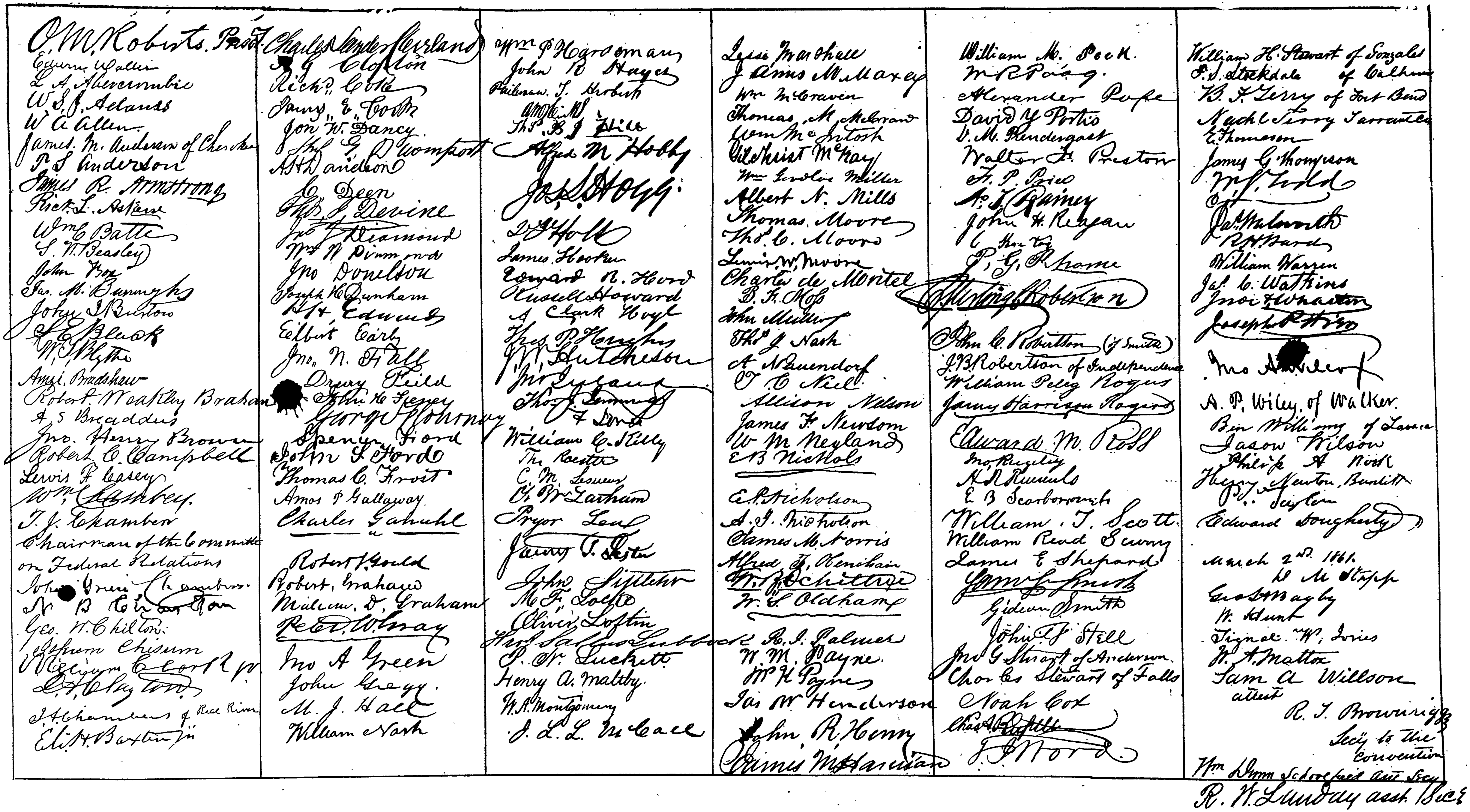
Sec. 6. It shall be the duty of the officer to whom the returns of his county shall be made to count the votes and certify the result, and transmit the same to the President or Secretary of the Convention, in duplicate, at different times, by mail or by some discreet person, on the 26th day of Feby. or sooner, if the complete returns of the county shall have been sooner made, and also deposit a copy of said returns in the county clerk's office.

Sec. 7. The aggregate vote shall be counted by the President and Secretary of the Convention, on or after the 2nd day of March, A. D. 1861, as the Convention may determine, and the result of the vote of the State shall then be proclaimed by the President and Secretary of the Convention, or either of them.

Sec. 8. The manner of voting shall be by ballot, "For Secession"

---

[9] This ordinance is No. 2 of the ordinances as printed.



O. M. Roberts Presdt.
Edwin Waller
L. A. Abercrombie
W. S. J. Adams
W. A. Allen
James M. Anderson of Cherokee
P. S. Anderson
James R. Armstrong
Rich L. Askew
Wm C Batte
S. W. Beasley
John Box
Jas. M. Burroughs
John I Burton
A. C. Black
W. T. Blythe
Amzi Bradshaw
Robert Weakley Brahan
A. S. Broaddus
Jno. Henry Brown
Robert C. Campbell
Lewis F. Casey
Wm Chambey
T. J. Chambers
Chairman of the Committee
on Federal Relations
John Green Chambers
N. B. Charlton
Geo. W. Chilton
Ephraim Chisum
William Clark jr
A. J. Clayton
J. H. Chambers of Red River
Eli H. Baxter jr

Charles Lander Cleveland
A. G. Clopton
Richd Coke
James E. Cook
Jon W. Dancy
Jos G. Davenport
A. H. Davidson
C. Deen
Thos J Devine
Jno J Diamond
Wm W Diamond
Jno Donelson
Joseph H Dunham
A. P. Edwards
Elbert Early
Jno. N. Fall
Drury Field
John H. Feeney
George Flournoy
Spencer Ford
John S. Ford
Thomas C. Frost
Amos P Galloway
Charles Ganahl
Robert S. Gould
Robert Graham
Malcom D. Graham
Peter W. Gray
Jno A Green
John Gregg
M. J. Hall
William Hart

Wm P Hardeman
John R Hayes
Philemon T. Herbert
A. W. Hill
Thos B. J. Hill
Alfred M Hobby
Jos. L. Hogg
D. Y. Holt
James Hooker
Edward R. Hord
Russell Howard
A Clark Hoyl
Thos P Hughes
J. W. Hutcheson
Jno Ireland
Thos J Jennings
F Jones
William C. Kelly
Thos Koester
C. M. Lesueur
O. W. Latham
Pryor Lea
James T. Lester
John Littleton
M. F. Locke
Oliver Loftin
Thos Saltus Lubbock
P. N. Luckett
Henry A. Maltby
W. A. Montgomery
J. L. L. McCall

Jesse Marshall
James W. Maxey
Wm McCraven
Thomas M. McElrand
Wm McIntosh
Gilchrist McKay
Wm Gordon Miller
Albert N. Mills
Thomas Moore
Thos C. Moore
Lewis W. Moore
Charles de Montel
B. F. Moss
John Muller
Thos J Nash
A Neuendorf
T. C. Neel
Allison Nelson
James F. Newsom
W M Neyland
E B Nichols
E. P. Nicholson
A. J. Nicholson
James M. Norris
Alfred T. Obenchain
W. P. Ochiltree
W. S. Oldham
R. J. Palmer
W. M. Payne
Wm H Payne
Jas W Henderson
John R. Henry
James M Harrison

William M. Peck
M. R. Paig
Alexander Pope
David Y Portis
V. M. Pendergast
Walter F. Preston
F. P. Price
A. J. Rainey
John H. Reagan
P. G. Rhome
Sterling Robertson
John C Robertson (of Smith)
J. B. Robertson of Independence
William Peleg Rogers
James Harrison Rogers
Edward M. Ross
Jno Rugeley
H R Runnels
E B Scarborough
William T. Scott
William Read Scurry
James E Shepard
James G. Smith
Gideon Smith
John D Stell
Jno G. Stuart of Anderson
Charles Stewart of Falls
Noah Cox
Chas. A. [illegible]
T. J. Word

William H. Stewart of Gonzales
F. S. Stockdale of Calhoun
B. F. Terry of Fort Bend
Nathl Terry Tarrant Co
E. Thomason
James G. Thompson
W. S. Todd
Jas Walworth
R. H. Ward
William Warren
Jas. C. Watkins
Jno. A. Wharton
Joseph P. Wier
Jno A. Wilcox
A. P. Wiley of Walker
Ben Williams of Lamar
Jason Wilson
Philip A Work
Henry Newton Burditt
P. T. Sayler
Edward Dougherty

March 2d 1861.
D M Stapp
Geo. H. Bagby
W. Hunt
Ignac W. Jones
W. A. Mattox
Sam A Willson
attest
R. T. Brownrigg
Secy to the
Convention
Wm Dunn Schoolfield Asst Secy
R. W. Lunday asst. Secy

SIGNERS OF THE ORDINANCE OF SECESSION
(Size of original 25x13 inches)

or "Against Secession," and each qualified elector shall be permitted to vote in any county of the State.[10]

Sec. 9. The citizens of the county of El Paso may hold the election herein specified on the 18th day of Feby. A. D. 1861.

Done and passed in Convention, at Austin, on this the 1st day of February, A. D. 1861.

O. M. Roberts,
President of the Convention.

Attest.
R. T. Brownrigg, Secy.

On motion of Mr. Cleveland the President was authorized to appoint a committee of five to circulate the ordinance.

Mesrs Brown, Flournoy, Payne of Hopkins, Cleveland and Ireland were appointed the committee.

On motion of Mr. Portis the secresy was removed from the proceedings of the Convention upon the ordinance reported by Mr. Gregg from the committee on Federal Relations, prescribing the manner in which the ordinance of secession should be submitted to a vote of the people for ratification or rejection.

Mr. Ochiltree offered the following resolution which was adopted.

"Resolved that there be 1000 copies of the ordinance of secession published, each, in the German and Spanish languages, with the names of the signers attached.["]

The President announced the following as the committee authorized and required by the resolution submitted by Mr. Brown upon the subject of preparing an address to the people of Texas upon the passage of the ordinance of secession, viz: Mesrs. Brown, Flournoy, Graham of Rusk, Wiley and Wilcox.

On motion the Convention adjourned until 2½ o'clock, P. M. to-morrow.

City of Austin Texas.
Saturday, Feby. 2nd A. D. 1861.
2½ o'clock P. M.

In Secret Session.

The Convention met pursuant to adjournment Prayer by the Hon. Jas. M. Maxey. Roll called. Quorum present.

---

[10] The legislature passed an act on February 7th, legalizing this ordinance of the Convention. Two days later a supplemental act was passed, which required the Governor "to issue forthwith his proclamation for the election." The supplemental act required further that the returning officers of the counties make returns to the Secretary of State, to be counted by the Governor and Attorney General. These returns were in addition to and separate from those required to be made to the President of the Convention (Gammel, *Laws of Texas*, V, 347 and 354).

Governor Houston issued his proclamation on February 9th, ordering the election.

The Journals of Wednesday, Jany. 30th Thursday Jany 31st and Friday Feby. 1st were read, amended and adopted.

On motion of Mr. Ochiltree secresy was removed from the Journals adopted up to this date.

Mr. Wilcox asked to be excused from further service on the committee on the Public Safety.

On motion of Mr. Shepard the request was granted.

On motion of Mr. Mills, Mr. Devine was placed upon the same committee in lieu of Mr. Wilcox excused.

Mr. Robertson of Smith chairman of the committee of Public Safety reported the following resolution and recommended its adoption by the Convention

"Resolved by the people of the State of Texas by delegates in Convention assembled that should the standing committee on Public Safety deem it essential to the public safety to appoint commissioners, officers or persons in reference to taking possession of any of the federal property with[in] the limits of this State, they shall have power to appoint such and assign to them their duty and give them the instructions under which they shall act; but this power shall only extend to such cases as in which the committee deem prompt action and secresy absolutely necessary.

"That a copy of this resolution signed by the President of this Convention, and the appointment and instructions signed by the Hon. Jno. C. Robertson, chairman of said committee, shall be full authority to the person or persons acting under the same, and a full justification for all acts done in pursuance thereof.["]

The resolution was adopted by the following vote.

Yeas, Mesrs. President, Abercrombie, Adams, Allen, Anderson of Cherokee, Anderson of Colorado, Armstrong, Askew, Batte, Beazley, Box, Burroughs, Burton, Burditt, Black, Blythe, Bradshaw, Bahan, Broaddus, Brown, Campbell, Casey, Wm. Chambers, T. J. Chambers, Chambers of Titus, Charleton, Chisum, Chilton, Clark, Clayton, Clopton, Coke, Cooke, Dancy, Davidson, Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donelson, Dunham, Edwards, Earley, Field, Feeney, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Gould, Graham of Bee, Graham of Rusk, Gray, Green, Gregg, Hardeman, Hayes, Herbert, Hicks, Hill, Hogg, Holt, Hooker, Hord, Howard, Hoyl, Hughes, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Latham, Lea, Lester, Littleton, Locke, Lubbock, Luckett, Maltby, Marshall, Maxey, McCraven, McCraw, McIntosh, McKay, Miller, Mills, Moore of Burnett, Moore of Fayette, Moore of Henderson, Montel, Moss, Muller, Nash, Nauendorf, Neel, Nelson, Newsom, Neyland, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Ochiltree, Oldham, Palmer, Payne of Hopkins, Payne of Henderson, Peck, Poag, Pope, Portis, Prendergast, Preston, Price, Rainey, Reagan, Rector, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Fort Bend, Terry of Tarrant, Thomason, Thompson, Waller, Walworth, Ward, Warren Watkins Wharton, Wier, Wilcox, Wiley, Williams of Lavaca and Work, 159.

Nays, Mesrs. Johnson of Titus, Rains, Shuford, Williams of Lamar and Wright, 5.

Mr. Dancy offered the following resolution which was adopted.

"Resolved that the committee on Foreign Relations be instructed to inquire into the expediency of preparing an ordinance recognizing the independent States of South Carolina and Alabama as this Convention has been officially informed that these States have seceded from the United States of America and declared themselves sovereign and independent States"

Mr. Brown, from the committee to prepare an address to the people of Texas, made the following report.

The undersigned committee appointed to prepare and report an address for the consideration of the Convention, setting forth the causes which induced the State of Texas to secede from the Federal Union, herewith report a 'declaration' of such causes and recommend its adoption.

John Henry Brown,
George Flournoy,
Jno. A. Wilcox,
M. D. Graham and
A. P. Wiley, committee

A declaration of the causes which impel the State of Texas to secede from the Federal Union.

The government of the United States, by certain joint resolutions, bearing date the 1st day of March, in the year A. D. 1845, proposed to the Republic of Texas, then *a free, sovereign and independent nation,* the annexation of the latter to the former, as one of the co-equal States thereof,

The people of Texas, by deputies in convention assembled, on the fourth day of July of the same year, assented to and accepted said proposals and formed a constitution for the proposed State, upon which on the 29th day of December in the same year, said State was formally admitted into the Confederated Union.

Texas abandoned her separate national existence and consented to become one of the Confederated States to promote her welfare, insure domestic tranquility and secure more substantially the blessings of peace and liberty to her people. She was received into the confederacy with her own constitution, under the guarantee of the federal constitution and the compact of annexation, that she should enjoy these blessings. She was received as a commonwealth holding, maintaining and protecting the institution known as negro slavery—the servitude of the African to the white race within her limits—a relation that had existed from the first settlement of her wilderness by the white race, and which her people intended should exist in all future time. Her institutions and geographical position established the strongest ties between her and other slave-holding States of the confederacy. Those ties have been strengthened by association. ~~But~~ what has been the course of the government of the United States, and of the people and authorities of the non-slave-holding States, since our connection with them?

The controlling majority of the Federal Government, under various pretences and disguises, has so administered the same as to exclude the citizens of the Southern States, unless under odious and unconstitutional restrictions, from all the immense territory owned in common by all the States on the Pacific Ocean, for the avowed purpose of acquiring sufficient power in the common government to use it as a means of destroying the institutions of Texas and her sister slave-holding States.

By the disloyalty of the Northern States and their citizens and the imbecility of the Federal Government, infamous combinations of incendiaries and outlaws have been permitted in those States and the common territory of Kansas to trample upon the federal laws, to war upon the lives and property of Southern citizens in that territory, and finally, by violence and mob law, to usurp the possession of the same as exclusively the property of the Northern States.

The Federal Government, while but partially under the control of these our unnatural and sectional enemies, has for years almost entirely failed to protect the lives and property of the people of Texas against the Indian savages on our border, and more recently against the murderous forays of banditti from the neighboring territory of Mexico; and when our State government has expended large amounts for such purpose, the Federal Government has refused reimbursement therefor, thus rendering our condition more insecure and harrassing than it was during the existence of the Republic of Texas.

These and other wrongs we have patiently borne in the vain hope that a returning sense of justice and humanity would induce a different course of administration.

When we advert to the course of individual non-slave-holding States, and that a majority of their citizens, our grievances assume far greater magnitude.

✓ The States of Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Ohio, Wisconsin, Michigan and Iowa, by solemn legislative enactments, have deliberately, directly or indirectly violated the 3rd clause of the 2nd section of the 4th article of the federal constitution, and laws passed in pursuance thereof; thereby annulling a material provision of the compact, designed by its framers to perpetuate amity between the members of the confederacy and to secure the rights of the slave-holding States in their domestic institutions—a ~~provision founded in~~ justice and wisdom, and without ~~the enforcement of~~ which the compact fails to accomplish the object ~~of its~~ creation. Some of those States have imposed high fines and degrading penalties upon any of their citizens or officers who may carry out in good faith that provision of the compact, or the federal laws enacted in accordance therewith. ✓

In all the non-slave-holding States, in violation of that good faith and comity which should exist between entirely distinct nations, the people have formed themselves into a great sectional party, now strong enough in numbers to control the affairs of each of those States, based upon the unnatural feeling of hostility to these Southern States and their beneficent and patriarchal system of African slavery, proclaiming the debasing doctrine of the equality of all men, irrespective of race or color—a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of the Divine Law. They demand the abolition of negro slavery throughout the confederacy, the recognition of political equality between the white and the negro races, and avow their determination to press on their crusade against us, so long as a negro slave remains in these States.

For years past this abolition organization has been actively sowing the seeds of discord through the Union, and has rendered the federal congress the arena for spreading firebrands and hatred between the slave-holding and non-slave-holding States.

By consolidating their strength, they have placed the slave-holding States in a hopeless minority in the federal congress, and rendered representation of no avail in protecting Southern rights against their exactions and encroachments.

They have proclaimed, and at the ballot box sustained, the revolutionary doctrine that there is a "higher law" than the constitution and laws of our Federal Union, and virtually that they will disregard their oaths and trample upon our rights.

They have for years past encouraged and sustained lawless organizations to steal our slaves and prevent their recapture, and have repeatedly murdered Southern citizens while lawfully seeking their rendition.

They have invaded Southern soil and murdered unoffending citizens, and through the press their leading men and a fanatical pulpit have bestowed praise upon the actors and assassins in these crimes, while the governors of several of their States have refused to deliver parties implicated and indicted for participation in such offences, upon the legal demands of the States aggrieved.

They have, through the mails and hired emissaries, sent seditious pamphlets and papers among us to stir up servile insurrection and bring blood and carnage to our firesides.

They have sent hired emissaries among us to burn our towns and distribute arms and poison to our slaves for the same purpose.

They have impoverished the slave-holding States by unequal and partial legislation, thereby enriching themselves by draining our substance. ✓

They ~~have re~~fused to vote appropriations for protecting Texas against ruthless savages, for the sole reason that she is a slave-holding State.

✓And, finally, by the combined sectional vote of the seventeen non-slave-holding States, they have elected as president and vice-president of the whole confederacy two men whose chief claims to such high positions are their approval of these long continued wrongs, and their pledges to continue them to the final consummation of these schemes for the ruin of the slave-holding States. ✓

In view of these and many other facts, it is meet that our own views should be distinctly proclaimed.

We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.

That in this free government *all white men are and of right ought to be entitled to equal civil and political rights;* that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advocated by our sectional enemies, would bring inevitable calamities upon both and desolation upon the fifteen slave-holding States.

By the secession of six of the slave-holding States, and the certainty that others will speedily do likewise, Texas has no alternative but to remain in an isolated connection with the North, or unite her destinies with the South.

For these and other reasons, solemnly asserting that the federal constitution has been violated and virtually abrogated by the several States named, seeing that the federal government is now passing under the control of our enemies to be diverted from the exalted objects of its creation to those of oppression and wrong, and realizing that our own State can no longer look for protection, but to God and her own sons—We the delegates of the people of Texas, in Convention assembled, have passed an ordinance dissolving all political connection with the government of the United States of America and the people thereof and confidently appeal to the intelligence and patriotism of the freemen of Texas to ratify the same at the ballot box, on the 23rd day of the present month.

Adapoted in Convention on the 2nd day of Feby, in the year of our Lord one thousand eight hundred and sixty-one and of the independence of Texas the twenty-fifth.

"O. M. Roberts, (President,) Edwin Waller, L. A. Abercrombie, W. A. Allen, Jas. M. Anderson, T. S. Anderson, James R. Armstrong, Richard L. Askew, W. S. J. Adams, Wm. C. Batte, S. W. Beazley, John Box, H. N. Burditt, Jas. M. Burroughs, Jno. I. Burton, S. E. Black, W. T. Blythe, Amzi Bradshaw, R. W. Brahan, A. S. Broaddus. Jno. Henry Brown. Robt. C. Campbell, Lewis F. Casey, Wm. Chambers, T. J. Chambers, Jno. G. Chambers, N. B. Charleton, Geo. W. Chilton, Isham Chisum, Wm. Clark, Jr., J. A. Clayton, Chas. L. Cleveland, A. G. Clopton, Richd. Coke, James E. Cook, Jno. W. Dancy, A. H. Davidson, C. Deen, Thos. J. Devine, Thos. G. Davenport, Jas. J. Diamond, Wm. W. Diamond, Jno. Donelson, Jos. H. Dunham, Edward Dougherty, H. H. Edwards, Elbert Earley. John N. Fall, Drury Field, Jno. H. Feeney, George Flournoy, Spencer Ford, Jno. S. Ford, Thos. C. Frost, Amos P. Galloway, Charles Ganahl, Robt. S. Gould, Robt. Graham, Malcolm D. Graham, Peter W. Gray, Jno. A. Green, John Gregg, Wm. P. Hardeman, Jno. P. Hayes, Philemon T. Herbert, A. W. O. Hicks, Thos. B. J. Hill, Alfred M. Hobby, Jos. L. Hogg, J. J. Holt, Jas. Hooker, Edward R. Hord, Russell Howard, A. C. Hoyl, Thos. P. Hughes, J. W. Hutcheson, Jno. Ireland, Thos. J. Jennings, F. Jones, W. C. Kelly, T. Koester, C. M. Lesueur, F. W. Latham, Pryor Lea, Jas. S. Lester, Jno. Littleton, M. F. Locke, Oliver Lofton, Thos. S. Lubbock, P. N. Luckett, Henry A. Maltby, Jesse Marshall, James M. Maxey, Lewis W. Moore, Wm. McCraven, Wm. McIntosh, Gilchrist McKay, Thos. M. McCraw, Wm. Goodloe Miller, Albert N. Mills, Thos. Moore, Thos. C. Moore, Charles de Montel, B. F. Moss, John Muller, Thos. J. Nash, A. Nauendorf, T. C. Neel, Allison Nelson, Jas. F. Newsom, W. M. Neyland, E. B. Nichols, A. J. Nicholson, E. P. Nicholson, Jas. M. Norris, Alfred T. Obenchain, W. B. Ochiltree, W. S. Oldham, R. J. Palmer, W. M. Payne, W. K. Payne, Wm. M. Peck, W. R. Poag, Alex. Pope, David Y. Portis, D. M. Prendergast, Walter F. Preston, F. P. Price, A. T. Rainey, John H. Reagan, C. Rector, P. G. Rhome, E. S. C. Robertson, J. C. Robertson, J. B. Robertson, Wm. P. Rogers, James H. Rogers, Edward M. Ross, John Rugeley, H. R. Runnels, E. B. Scarborough, Wm. T. Scott, Wm. Read Scurry, James E. Shepard, Sam S. Smith, Gideon Smith, Jno. D. Stell, Jno. G. Stewart, Charles Stewart, F. S. Stockdale, Wm. H. Stewart, Pleasant Taylor, B. F. Terry, Nathaniel Terry, E. Thomason, Jas. G. Thompson, W. S. Todd, Jas. Walworth, R. H. Ward, Wm. Warren, J. C. Watkins, Jno. A. Wharton, Jos. P. Wier, Jno. A. Wilcox, A. P. Wiley, Ben Williams, Jason Wilson, Philip A. Work.

R. T. Brownrigg Secretary

Wm. Dunn Schoolfield and R. W. Lunday Asst. Secretaries.

On motion of Mr. Nicholson of Dallas the address was adopted by the Convention.

On motion of Mr. Terry of Tarrant 10,000 copies of the address were ordered to be printed.

On motion of Mr. Muller 2000 copies of that number were ordered to be printed in the German language.

On motion of Mr. Devine 2000 copies of that number were ordered to be printed in the Spanish language.

Mr. Terry of Tarrant introduced "an ordinance to establish a military board," which was read by caption and referred to the committee on Public Safety.

Mr. Robertson of Washington chairman of the committee appointed by the Convention to wait upon the House of Representatives and inform that body that the Convention had proceeded to business and desired its cooperation reported that duty performed, and that that honorable body cordially reciprocated the sentiments of the Convention.

Mr. Ireland moved that the President appoint a committee on Printing to consist of three members, and asked to be excused from being appointed thereon. Carried.

Mesrs. Brown, Scarborough and Shuford were appointed the committee.

Mr. Terry of Tarrant offered the following resolution which was adopted.

"Resolved that Mesrs. Flournoy and Wharton be requested to furnish this Convention with written copies of their respective remarks upon the presentation of the flags by a portion of the patriotic ladies of Travis county to this Convention, and that said remarks when furnished shall be spread upon the Journals of this Convention in their appropriate places.[”]

Mr. Ochiltree offered the following resolution which was referred to the committee on Foreign Relations

“Resolved that this Convention recommends to the citizens of the Territory of Santa Fe or New Mexico the propriety of immediately proceeding to form a State constitution recognizing the institution of slavery, and that they be requested to apply to the Southern convention at Montgomery for admission into the confederacy of Southern States.

“Resolved that the President of this Convention communicate to the governor of New Mexico a copy of these resolutions.[”]

On motion of Mr. Nelson the Convention adjourned until 7 ½ o’clock, P. M.

Feby. 2nd 1861. 7 ½ o’clock, P. M.

The Convention met. Roll called. quorum present.

On motion of Mr. Ochiltree the secret session terminated and the doors were thrown open.

Mr. Lubbock offered the following resolution, which on motion of Mr. Jennings was laid on the table

“Resolved that a special committee be appointed to take charge of the mileage and per diem of such members of the Convention as may see fit to relinquish the same, in case the Legislature shall make an appropriation for the pay of delegates to the Convention, and that said committee be instructed to expend whatever sum they may obtain in such manner as the committee on Public Safety may direct.[”]

Mr. Ireland offered the following resolution which was laid on the table.

“Resolved that the committee on Public Safety be authorized to receive and expend such sums as citizens of the State may desire to donate [to] the public service, in such manner as the committee may think expedient.[”]

Mr. Portis offered the following resolution

“Resolved that this Convention will adjourn Tuesday the fifth day of Feby. A. D. 1861, to meet again the 2nd day of March following, and that to reduce the expense of said Convention the members from each senatorial district shall draw lots so that two members from each senatorial district shall continue members of this Convention, and that the others shall resign and no elections take place to fill their vacancies.[”]

On motion of Mr. Wm. Chambers the resolution was laid on the table

Mr. Scurry presented the credentials of Edward Dougherty, delegate from the counties of Cameron and Hidalgo, and moved that he be entitled to a seat in the Convention and allowed in conjunction with the other three delegates from said counties to cast three votes from the entire delegation, which motion prevailed.

Orders of the Day.

The report of the committee on Business recommending to the favorable consideration of the Convention "An ordinance to provide for the appointment of delegates from the State of Texas to a convention of the Southern seceded States" was taken up and read.

Mr. Stell moved to postpone the consideration of the ordinance for the present. Lost.

Mr. Wiley offered the following resolution as a substitute,

"Resolved that three commissioners be elected by the Convention to attend the proposed convention of the Southern States at Montgomery, Alabama, and represent the interests of the State of Texas.[")

Mr. Portis offered the following as a substitute for the substitute.

"Resolved that the Convention will now proceed to elect a commissioner to attend the convention of delegates of the Southern States to convene at Montgomery on the 4th day of Feby. 1861, that he be commissioned by the President with plenary powers, and that if the congress consent he be fully authorized to represent the State of Texas in said convention.[")

Mr. Robertson of Washington offered the following as an amendment

"Resolved that no member of this Convention shall be eligible to any office to be elected by this Convention[")

Mr. Brown moved that the ordinance, proposed substitutes and amendments be referred to a special committee of three, with instructions to report an ordinance on Monday next, providing for the election by this Convention of a commissioner from Texas to the convention at Montgomery, Alabama, and also for the election by the voters of this State on the 23rd day of Feby. of   delegates to represent Texas in any convention that may be in session or afterwards assembled to form a union between the seceded States.

Upon that motion Mr. Brown moved the previous question, which was lost.

On motion of Mr. Stockdale the motion was amended by striking out all after the word "Alabama,"

The motion as amended then prevailed.

Mr. Devine offered the following resolution which was adopted.

"Resolved that the county courts of the respective counties be and they are hereby recommended to take prompt and efficient measures to organize and arm each one or more companies of infantry or cavalry to be held in readiness as minute men to protect the rights and interests of the State.['']

Mr. Hutcheson offered the following resolution

''Resolved that a committee of five be appointed to take into consideration the best plan of reducing the expenses of this Convention, or any other body which may meet hereafter for the purpose of carrying into effect and vitality the ordinance to be voted on on the 23rd day of Feby. and to do and perform all things necessary upon the ratification by the people of the ordinance of secession, and that said committee report on Monday next.''

On motion of Mr. Broaddus laid on the table

Mr. Cook offered the following resolution which was adopted

''Resolved that this Convention tenders to the Hon. Louis T. Wigfall, John Hemphill and John H. Reagan the thanks of the people of Texas for the fidelity, zeal and ability with which they have served the State of Texas in the last congress of the United States of America.['']

Mr. Luckett offered the following resolution which was adopted,

''Resolved that the President of this Convention be requested to transmit a copy of the ordinance of secession with such accompanying communication as he may deem proper to our senators and representatives in the United States congress and to each of the governors of the slave-holding States.['']

Mr. Chilton offered the following resolution which on motion was laid on the table.

''Resolved that from and after this time a majority of the whole number of delegates of this Convention shall constitute a quorum, and shall be authorized to transact business.['']

On motion of Mr. Wharton the Convention adjourned until 2 o'clock, P. M., on Monday next.

Austin Texas, Monday.
February 4th A. D. 1861.

The Convention met pursuant to adjournment. Roll called. quorum present.

On motion of Mr. Nelson the reading of the Journals was dispensed with for the present.

On motion of Mr. Ochiltree secrecy was removed from the proceedings, except the reports of the committee on Public Safety and the action of the Convention thereon

On motion of Mr. Wilcox, Mr. Davidson was added to the committee on Foreign Relations

On motion of Mr. Wiley, Mr. Waller was added to the committee on Printing.

The following communication was submitted by the President to the Convention, as having been received by him from the Hon. Jno. W. A. Sanford, commissioner from the sovereign and independent State of Georgia to the State of Texas, with the request that the same be laid before the Convention.

Convention of Georgia.
Milledgeville, Jany. 22nd 1861.

Resolved that in the opinion of this Convention it is the right and the duty of Georgia to secede from the present Union and to co-operate with such of the other States as have or shall do the same for the purpose of forming a Southern Confederation upon the basis of the constitution of the United States.

Resolved that a committee of seventeen be appointed by the Chair to report an ordinance to assert the right and fulfil the obligation of the State of Georgia to secede from the Union.

A true extract from the minutes

Attest, A. R. Lamar, Secy.

An ordinance to dissolve the Union between the State of Georgia and the other States united with her under a compact of government entitled the constitution of the United States of America.

We the people of the State of Georgia in Convention assembled do declare and ordain and it is hereby declared and ordained that the ordinance adopted by the State of Georgia in convention on the 2nd day of Jany. in the year of our Lord seventeen hundred and eighty-eight, whereby the constitution of the United States of America was assented to, ratified and adopted, and also all acts and parts of acts of the general assembly of this State, ratifying and adopting amendments of the said constitution, are hereby repealed, rescinded and abrogated.

We do further declare and ordain that the union now existing between the State of Georgia and other States under the name of the United States of America is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Geo. W. Crawford
President of the Convention

Attest
A. R. Lamar, Secretary.

Mr. Nelson offered the following resolution which was adopted.

"Resolved that the President appoint a committee of three to wait on Genl. Jno. W. A. Sanford, commissioner from the sovereign State of Georgia, and know when it will suit his convenience to visit this body.['"] X

Mesrs. Nelson, Rogers of Marion and McCraven were appointed the committee.

On motion of Mr. Stell the ordinance of secession of the State of Georgia was referred to the committee on Foreign Relations.

Mr. Todd offered the following resolution,

''Resolved that from and after the 4th Monday in this month there be a suspension of the supreme and district courts of this State until the commencement of the fall terms.['"]

On motion of Mr. McCraven laid on the table.

Mr. Stell, chairman of the committee to which was referred the subject of the size and expense of the present organization of the Convention, made the following report.

''Your committee are of the opinion that our organization should be so changed as to declare that a majority of the Convention should be a quorum, competent to transact the business of the Convention, instead of two-thirds as it now stands; therefore your committee most respectfully submit the following resolution and recommend its adoption.

''Resolved that a majority of this Convention shall be competent to the transaction of business instead of two-thirds.['"] Adopted.

On motion the Convention went into secret session.

In Secret Session.

Mr. Robertson of Smith, chairman of the committee on Public Safety, reported the following resolution and recommended its adoption.

''Resolved that the standing committee on Public Safety shall continue in session during the recess of the Convention, that they hold their meetings at such times and places as in their judgment the public interest requires, that said committee may grant leave of absence to its members, provided such leave of absence shall not reduce the members left to a less number than nine:

''Resolved that said committee shall keep a full and accurate journal of their acts, in a well bound book, and report the same to the Convention on the reassembling thereof on the 2nd day of March next.['"]

The resolutions were adopted.

On motion of Mr. Rainey the secret session terminated and the doors of the Convention were thrown open.

On motion of the chairman, under instructions from the committee, Mr. Lubbock was added to the committee on Public Safety.

Mr. Nelson, chairman of the select committee appointed to wait on Genl. Jno. W. A. Sanford, the commissioner from the State of Georgia to this State, reported that duty performed, and that if it would meet the wishes of that body the commissioner would immediately visit the Convention.

Genl. Sanford was then introduced with appropriate ceremony and proceeded to address the Convention as follows, viz:

Mr. President and Gentlemen of the Convention.

The State of Georgia has specially deputed me to announce to your honorable body that she has in the exercise of her sovereignty formally and solemnly abrogated and annulled the ordinance by which she became a member of the Federal Union. In making this announcement I deem it unnecessary to enter into a detailed exposition of the causes which have impelled her to this course of conduct. I shall therefore content myself with briefly adverting to the fact that her Northern confederates have for many years pretermitted no opportunity of annoying her upon the subject of negro slavery until, emboldened by her last forbearance, they have publicly proclaimed their determination of waging an unceasing warfare against its further extension and longer toleration. The explicit avowal of this determination by a party, whose increased strength and recent elevation to power have placed in their hands the means of carrying this threat into execution, presented to Georgia the alternative of either assuming a position which would place her beyond the control of those who had unjustly refused to recognize her equality in the common territory and the right of property in slaves, or of tamely submitting to the inauguration of a policy studiously designed to overthrow an institution inseparably interwoven with her social organization, and indispensably necessary to the advancement of her material interest and prosperity. Never but once since her colonization has she been called on to decide a question so momentous and vast in its consequences, and, now as in the days of ministerial oppression, she has not hesitated to pronounce for freedom and independence. For the purpose of surely and effectually accomplishing this object, she has unconditionally revoked the powers which she had delegated to others in trust for specific ends, and resumed the unrestrained exercise of her sovereignty. I rejoice to know that Georgia stands not solitary and alone in the performance of this heroic act. Others of her sister States have for like cause acted in like manner. Some have preceded and others have followed her action, and I trust one and yet another will continue to follow until all are embraced in the same family group and placed under the protecting aegis of that constitution which we all have loved so well and still love, but which alas!

Constitution

we have in vain tried to save from the sacrilegious hands of the ruthless despoiler. It is, however, not my purpose to recall the past, or to recite the wrongs which you have suffered, or to suggest their fitting remedy. These have, in an especial manner, been the subject matter of your deliberations, and you have maturely considered them and decided them as became wise and patriotic men. I congratulate you, Gentlemen, upon this auspicious result of your labors. You have been pleased to refer your decision to the judgement of your people. When it shall have received their sanction, as doubtless it will, a great question arises in regard to your future position Accustomed as have been the people of the Southern States to live in undisturbed amity with each other, they still ardently desire to be associated together under the same general government. Their interests, their pursuits, their laws, their institutions, their customs are the same and the same destiny awaits each and all. The hearts of Southern fathers and Southern mothers, of Southern brothers and sisters, relatives, and friends have followed you to this distant land, and though saddened by the wide interval between you and them, they become less sad as hope and faith bid them look forward to the time when all will again live under this same form of government, and be protected by its strong arm.

5, 9,

Not only all the higher and better feelings of our nature, but considerations arising from the difficulties and dangers which surround us, indicate the wisdom and urge the necessity of our adopting the measure. Deeply and solemnly impressed as I am with the very great importance of a re-union of the Southern States, I cannot but indulge the hope that no unhallowed ambition or selfish purpose will array itself in opposition to a policy so indispensably necessary to the prosperity, happiness and safety of all. United among ourselves, a world in arms cannot conquer or subjugate us. A beneficent Providence has in unlimited profusion placed in our midst all the means necessary to national power and national greatness, all the elements of more speedy advancement and higher civilization than was ever enjoyed by the human race. If, therefore, these blessings have not been unworthily bestowed upon us, we shall, at no distant day, exhibit the spectacle of a people more prosperous in their pursuits, wiser in their laws, and happier in the form and administration of their government than any nation that the sun in his long journey of ages has ever shone upon.''[11]

Mr. Wiley, from the select committee for that purpose appointed, submitted the following report.

''The select committee, to which was referred sundry resolutions in relation to the election of delegates to the Montgomery convention of slave-holding States, beg leave to report the following resolution.

---

[11] **Commissioner Sanford's report to Governor Crawford was favorable to Texas (*War of the Rebellion*, IV, 1, p. 133).**

"Resolved that this Convention proceed forthwith to elect by ballot four delegates to represent the State of Texas in said convention in order that the views and interests of the people of Texas may be consulted with reference to the constitution and provisional government that may be established by said convention."

Mr. Campbell moved to amend by striking out *four* and inserting *seven.*

Mr. Wilcox offered the following as a substitute for the resolution and amendment.

"We the people of Texas in Convention assembled do declare and resolve, and it is hereby declared and resolved,

"1st. That this Convention will forthwith proceed to the election by ballot of seven delegates whose duty it shall be when elected to represent the State of Texas in a convention of those States which have seceded or may hereafter secede from the government formerly known as the United States of America.

"2nd. That this Convention receives and adopts the suggestions that the convention hereby contemplated shall meet and hold its sessions in the city of Montgomery in the State of Alabama, and that the time of said meeting shall be the 1st Monday and 4th day of Feby. A. D. 1861.

"3rd That this Convention accepts the suggestion that each of the States seceding from the government of the late United States, and concurring in the formation of a Southern confederacy by said convention, shall be entitled to one vote in said convention upon all questions which may be voted upon therein, and that each State send as many delegates to said convention as are equal in number to the senators and representatives to which it is entitled in the congress of the United States under the late census.

"4th That this Convention instruct said delegates to use all proper means to secure the 'formation of a provisional government of union' for such States as have seceded or may hereafter secede from the government of the late United States so as the same may be organized and go into operation as speedily as possible, and towards that end they are hereby instructed to submit to said convention on the part of the people of Texas the constitution of the late United States of America as a basis and outline of such provisional government for the said seceding States; provided that said provisional government and the tenure of all officers and appointments accruing under it shall cease and determine in one year from the 1st Monday or 4th day of Feby. A. D. 1861, or whenever a permanent government shall have been organized, as may be agreed upon.

“5th That this Convention do further instruct said delegates that they use all proper means to the end that the convention of the seceding States shall proceed forthwith to consider and propose a constitution and plan for a permanent government establishing a Southern confederacy among those States which have seceded or may hereafter secede, which constitution and plan of government shall be referred back to the people for their ratification or rejection.”

On motion of Mr. Green the proposed substitute of Mr. Wilcox was laid on the table.

Mr. Gray offered the following as a substitute for the amendment offered by Mr. Campbell.

“Amend by adding to the resolution the following, viz: 2nd. Resolved that Mesrs. Louis T. Wigfall, John Hemphill and John H. Reagan be additional delegates from this State in said convention, and be requested to attend the same as soon after the 2nd day of March next as practicable”

On motion of Mr. Field laid on the table.

Mr. Chilton moved to lay the amendment offered by Mr. Campbell on the table. Lost by the following vote.

Yeas, Mesrs. Abercrombie, Adams, Allen, Askew, Batte, Black, Blythe, Broaddus, Wm. Chambers, Chambers of Titus, Charleton, Chisum, Clark, Clopton, Coke, Cook, Dunham, Feeney, Field, Gould, Graham of Bee, Green, Herbert, Hooker, Hughes, Hutcheson, Kelly, Lea, Lester, Locke, Maxey, Mills, Moore of Fayette, Moore of Henderson, Nelson, Newsom, Neyland, Palmer, Payne of Henderson, Pope, Portis, Price, Robertson of Washington, Runnels, Shepard, Stewart of Anderson, Terry of Tarrant, Thomason, Todd, Waller, Ward, Warren, Wiley, and Work, 54.

Nays, Mesrs. Anderson of Colorado, Armstrong, Beazley, Box, Burroughs, Burton, Bradshaw, Brahan, Brown, Campbell, Casey, T. J. Chambers, Chilton, Davidson, Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donelson, Edwards, Early, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Graham of Rusk, Gray, Gregg, Hardeman, Hayes, Hicks, Hill, Hobby, Hogg, Holt, Howard, Hoyle, Ireland, Jennings, Johnson of Titus, Jones, Lesueur, Latham, Littleton, Lubbock, Luckett, Maltby, McCraven, McCraw, McKay, Miller, Moore of Burnet, Montel, Moss, Muller, Nauendorf, Nash, Nichols, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Ochiltree, Oldham, Payne of Hopkins, Peck, Poag, Prendergast, Preston, Rainey, Reagan, Rector, Robertson of Bell, Robertson of Smith, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Scott, Scurry, Smith of Bexar, Stell, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Fort Bend, Throckmorton, Walworth, Watkins, Wharton, Wier, Wilcox, Williams of Lavaca, Williams of Lamar, and Wright, 98.

Mr. Nelson offered the following as a substitute for the resolution and proposed amendment.

"Resolved that this Convention proceed to the election of one commissioner to the convention proposed to be held at Montgomery, Alabama, by the seceded States.[”]

On motion of Mr. Davidson laid on the table.

The amendment offered by Mr. Campbell to strike out *four* and insert *seven* was then adopted by the following vote.

Yeas, Mesrs. Anderson of Colorado, Armstrong, Box, Burroughs, Burton, Bradshaw, Brahan, Brown, Campbell, Casey, Wm. Chambers, T. J. Chambers, Chilton, Coke, Dancey, Davidson Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donelson, Edwards, Early, Fall, Feeney, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Graham of Bee, Graham of Rusk, Gray, Gregg, Hardeman, Hays, Hicks, Hill, Hobby, Hogg, Holt, Howard, Hoyl, Ireland, Jennings, Johnson of Lamar, Jones, Lesueur, Latham, Littleton, Lubbock, Luckett, Maltby, McCraven, McCraw, McKay, Miller, Moore of Burnet, Montel, Moss, Muller, Nash, Nauendorf, Nichols, Nicholson of Fannin, Nicholson of Dallas, Norris, Obenchain, Ochiltree, Oldham, Peck, Prendergast, Preston, Rainey, Reagan, Rector, Robertson of Smith, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Searborough, Scott, Smith of Bexar, Stell, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Fort Bend, Walworth, Watkins, Wier, Wilcox, Williams of Lavaca, Williams of Lamar, and Wright, 99.

Nays, Mesrs. Abercrombie, Adams, Allen, Askew, Batte, Beazley, Black, Blythe, Broaddus, Chambers of Titus, Charleton, Chisum, Clark, Clopton, Cook, Dunham, Field, Gould, Green, Herbert, Hooker, Hughes, Hutcheson, Kelly, Lea, Lester, Locke, Maxey, Mills, Moore of Fayette, Moore of Henderson, Nelson, Newsom, Neyland, Palmer, Payne of Henderson, Poag, Pope, Portis, Price, Robertson of Washington, Shepard, Stewart of Anderson, Terry of Tarrant, Thomason, Throckmorton, Todd, Waller, Ward, Warren, Wiley, and Work, 52.

Mr. Stockdale moved to strike out the word "delegate" wherever it occurred in the resolution and insert the word "commissioner" in lieu thereof.

Mr. Nelson moved to lay the resolution as amended on the table.

Lost by the following vote,

Yeas, Mesrs. Adams, Allen, Askew, Batte, Beazley, Burton, Burroughs, Blythe, Broaddus, Chambers of Titus, Charleton, Chisum, Clarke, Clopton, Coke, Cook, Field, Feeney, Gould, Gray, Gregg, Herbert, Hill, Hughes, Hutcheson, Lester, Locke, McCraw, McKay, Miller, Mills, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nelson, Newsom, Neyland, Palmer, Payne of Hopkins, Peck, Poag, Pope, Portis, Prendergast, Price, Robertson of Bell, Robertson of Washington, Scott, Shepard, Thomason, Throckmorton, Todd, Waller, Ward, Warren, Wharton and Work, 57.

Nays, Messrs. President, Abercrombie, Anderson of Colorado, Armstrong, Box, Black, Bradshaw, Brahan, Brown, Campbell, Casey, Wm. Chambers, T. J. Chambers, Chilton, Davidson, Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donelson, Dunham, Edwards, Earley, Fall, Flournoy, Ford of Caldwell, Frost, Galloway, Ganahl, Graham of Bee, Graham of Rusk, Green, Hardeman, Hayes, Hicks, Hobby, Hogg, Holt, Hooker, Howard, Hoyle, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Littleton, Lubbock, Luckett, Maltby, Maxey, McCraven, Montel, Moss, Muller, Nash, Nauendorf, Nichols, Nicholson of Dallas, Nicholson of Fannin, Norris, Ochiltree, Oldham, Payne of Henderson, Preston, Rainey, Reagan, Rector, Robertson of Smith, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scurry, Smith of Bexar, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Walworth, Watkins, Wier, Wilcox, Wiley, and Williams of Lavacca, 91.

Mr. Scott moved to reconsider the vote adopting the amendment offered by Mr. Campbell. Lost.

The motion offered by Mr. Stockdale was then put, and lost

Mr. Lea proposed to amend by adding:

"The commission composed of said delegates will be in consultation with that convention as to the public common safety until the final separation of this State from that union. After such separation of this State, the commission will be in cooperation with that convention as to all subjects in its charge with such power as may be necessary and proper for temporary arrangements among the seceded States to promote their safety and prosperity until the organization of a constitutional confederacy among them or some of them, and for preparation of a constitution for such confederation to be submitted to each State for its several adoption or rejection; and the commission may act as occasion may require at any time by any number of its members in attendance at such convention of States wherever it may be assembled.

"3rd. The constitution and treaties and other laws of the union of the United States of America will be the general basis, subject to exceptions for such temporary arrangements, and permanent constitution among seceded States.

"4th. The commission will report to the Convention of this State to be assembled on the 2nd day of March next so that the Convention may then know the condition of affairs confided to the commission, and similar reports will be subsequently made for current information until the completion of such business.''

On motion of Mr. Anderson of Colorado, laid on the table.

Mr. Locke moved the previous question which was ordered, and the resolution as amended was adopted by the following vote.

Yeas, Mesrs. Anderson of Colorado, Armstrong, Askew, Batte, Box, Blythe, Bradshaw, Brahan, Broaddus, Brown, Campbell, Casey, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Coke, Davidson, Dean, Devine, Diamond of Cooke, Diamond of Grayson, Donelson, Dunham, Earley, Fall, Feeney, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Gould, Graham of Bee, Graham of Rusk, Gray, Green, Gregg, Hardeman, Hayes, Hicks, Hobby, Hogg, Holt, Hooker, Hord, Howard, Hoyle, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Littleton, Locke, Lubbock, Luckett, Maltby, Maxey, McCraven, McCraw, Moore of Burnet, Montel, Moss, Nauendorf, Nichols, Nicholson of Dallas, Norris, Obenchain, Ochiltree, Oldham, Payne of Hopkins, Peck, Poag, Prendergast, Preston, Rainey, Reagan, Rector, Robertson of Bell, Robertson of Smith, Rogers of Harris, Ross, Rugeley, Scurry, Smith of Bexar, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Todd, Walworth, Ward, Watkins, Wharton, Wier, Wilcox, Wiley, and Williams of Lavacca, 102.

Nays, Mesrs. Abercrombie, Adams, Allen, Beazley, Burton, Black, Charleton, Chisum, Clark, Clopton, Cook, Dancy, Edwards, Fall, Field, Herbert, Hill, Hutcheson, Lester, McKay, Miller, Mills, Moore of Fayette, Moore of Henderson, Newsom, Nicholson of Fannin, Palmer, Payne of Henderson, Pope, Portis, Price, Robertson of Washington, Scott, Shepard, Thomason, Waller, Warren, and Work, 38.

Mr. Jennings moved to reconsider the vote just taken.

On motion of Mr. Jennings that motion was laid on the table.

Nominations being next in order.

Mr. Moore of Burnet nominated Mr. John H. Reagan.

On motion of Mr. Wilcox, Mr. Reagan was elected by acclamation.

On motion of Mr. Herbert, Mr. Wigfall was declared elected by acclamation.

Mr. Stockdale nominated W. R. Scurry.

Mr. Cook nominated Thos. J. Devine.

Mr. Rainey nominated Wm. B. Ochiltree.

Mr. Rogers of Harris nominated W. S. Oldham.

Mr. Locke nominated H. R. Runnels.

Mr. Wilcox nominated T. N. Waul.

Mr. Adams nominated Nat. M. Burford.

Mr. Shepard nominated John Hemphill.

Mr. Hobby nominated John Gregg.

Mr. Anderson of Colorado nominated M. D. Graham.

Mr. Rugeley nominated A. C. Horton.

Mr. Shepard nominated Math. Ward.

Mr. Dean nominated F. B. Sexton.

Mr. Wm. Chambers nominated Jno. A. Wharton, who declined

Mr. Ochiltree nominated Pendleton Murrah,

Mr. Todd nominated Jno. T. Mills.

Mr. Jennings nominated Jos. L. Hogg.

Mr. Hughes nominated Jno. A. Wilcox.

Mr. McCraven nominated Peter W. Gray, who declined.

Mr. Anderson of Colorado renominated Mr. Gray.

Mr. Waller nominated A. P. Wiley.

Mr. Wharton nominated Robt. C. Campbell.

Mr. Wier nominated Wm. H. Parsons.

Mr. Campbell nominated Guy M. Bryan and Hugh McLeod.

Mr. Waller nominated Jno. A. Wharton, who again declined.

Mr. Robertson of Washington nominated Geo. W. Crawford.

Mesrs. Robertson of Washington, Norris and Holt were appointed tellers.

On motion of Mr. Wharton the Convention adjourned until 7 ½ o'clock, P. M.

Monday, Feby. 4th/61. 7 ½ o'clock, P. M.

The Convention met pursuant to adjournment. Roll called. quorum present.

On motion of Mr. Reagan the vote electing him by acclamation was reconsidered.

On motion the vote electing Louis T. Wigfall by acclamation was also reconsidered.

The Convention then proceeded to ballot with the following result.

On the 1st Ballot.

Mr. Reagan received 113 votes, Mr. Wigfall 119 votes, Mr. Hemphill received 76 votes, Mr. Scurry 45 votes. Mr. Devine 50 votes, Mr. Ochiltree 52, Mr. Oldham 61, Mr. Runnels 48, Mr. Waul 73, Mr. Burford 19, Mr. Gregg 60, Mr. Graham 51, Mr. Horton 12, Mr. Ward 18, Mr. Sexton 22, Mr. Murrah 17, Mr. Mills 12, Mr. Hogg 22, Mr. Wilcox 19, Mr. Gray 40, Mr. Wiley 7, Mr. Campbell 33, Mr. Parsons 14, Mr. McLeod 6, Mr. Bryan 4, Mr. Wharton 3, Mr. Crawford 10, Mr. Dancy 1, Mr. Chilton 2, Mr. Maverick 1, Scattering 1, Sam Houston 1, Mr. Hicks 3, Mr. Flournoy 3, Mr. Stockdale 1, Mr. Roberts 1, Mr. Wheeler 1, Mr. Rainey 1, Mr. Foscue 2, Mr. Bee 1, Mr. Rogers of Marion 1, Mr. Frank Lubbock 1, Mr. T. J. Chambers 2, Mr. Pope 1, and Mr. Scott 1. One hundred and fifty-one votes polled.

Mesrs. Wigfall, Reagan and Hemphill having received a majority of all the votes cast were declared elected as three of the seven delegates, and the Convention proceeded to the 2nd ballot.

The names of Mesrs. Runnels, Mills, Hogg and Wiley having been withdrawn.

On the 2nd ballot Mr. Scurry received 27 votes, Mr. Devine 51, Mr. Ochiltree 47, Mr. Oldham 65, Mr. Waul 77, Mr. Burford 18, Mr. Gregg 71, Mr. Graham 43, Mr. Horton 10, Mr. Ward 10, Mr. Sexton 8, Mr. Murrah 3, Mr. Wilcox 17, Mr. Gray 28, Mr. Campbell 21, Mr. Parsons 12, Mr. McLeod 3, Mr. Bryan 4, Mr. Crawford 12, Mr. Rogers of Harris who was nominated by Mr. Moore of Fayette 22, and Scattering 29. One hundred and forty-eight votes polled.

Mr. Waul having received a majority of all the votes cast was declared elected.

The names of Mesrs. Burford, Horton, Ward, Sexton, Murrah, Wilcox, Gray and Parsons were then withdrawn, when the Convention proceeded to the 3rd ballot, whereupon Mr. Scurry received 33 votes, Mr. Devine 45, Mr. Ochiltree 65, Mr. Oldham 67, Mr. Gregg 77, Mr. Graham 42, Mr. Campbell 12, Mr. McLeod 3, Mr. Bryan 4, Mr. Crawford 4, Mr. Rogers of Harris 10, Scattering 18. One hundred and thirty-three votes polled.

Mesrs. John Gregg and W. S. Oldham having received a majority of all the votes cast were declared elected.

The names of Mesrs. Rogers of Harris, Bryan, McLeod, and Campbell were then withdrawn, when the Convention proceeded to a 4th ballot. Mr. Scurry received 11 votes, Mr. Devine 29, Mr. Ochiltree 57, Mr. Graham 23, Mr. Crawford 3, and Scattering 2. One hundred and twenty-five votes polled. No election.

The names of Mesrs. Graham, Scurry and Crawford were then withdrawn, when the Convention proceeded to a 5th ballot. Mr. Ochiltree received 77 votes, Mr. Devine 39, Scattering 3. One hundred and nineteen votes polled.

Mr. Ochiltree having received a majority of all the votes cast was declared elected.

And the President [was] instructed to commission Mesrs. Louis T. Wigfall, John H. Reagan, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham, and Wm. B. Ochiltree as delegates to the Montgomery convention of slave-holding States, from the State of Texas.

On motion of Mr. Robertson of Bell the Convention went into secret session.

On motion of Mr. Flournoy the delegates elect to the Montgomery convention were admitted into the secret session of the Convention.

Mr. Robertson of Bell presented the petition of Capt. R. B. Halley tendering to the State the services of the Salado mounted troops.

Referred to the committee on the Public Safety.

Mr. Rogers of Harris, chairman of the committee on Foreign Relations, made the following Report. viz:

"The committee to which was entrusted the following resolutions, viz:

"1st. A resolution as to the propriety of sending commissioners to the Territories of Arizona and New Mexico for certain purposes therein specified, and

"2nd. A resolution as to the propriety of sending commissioners to the Choctaw, Chickasaw, Seminole, Creek, Cherokee and other Indian nations for certain purposes therein specified, respectfully report that they have had the same under consideration and beg leave to submit the following ordinance and ask its adoption.

"An ordinance to secure the friendship an co-operation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Creek, Seminole and Cherokee nations of Indians.[']

On motion of Mr. Nelson the ordinance was amended by adding the name of Chas. A. Hamilton as commissioner to the Indian tribes.

On motion of Mr. Coke the ordinance was further amended by adding, "And that the President of this Convention be instructed to correspond immediately with the proper authorities of the States of Mississippi and Arkansas requesting them to appoint commissioners from said States to cooperate with the Texas commissioners in their mission to the Indian nations.["]

Mr. Payne of Hopkins moved to strike out Arkansas and insert Alabama.

On motion of Mr. Field laid on the table.

The ordinance as amended was then adopted.[12]

Mr. Rogers of Harris offered the following resolution,

"Resolved that the Secretary be authorized to pay Mr. Geo. G. Simcox the sum of fifty dollars, to be paid out of the contingent fund of the Convention when appropriated, for his services in enrolling on parchment the Ordinance of Secession.["]

On motion of Mr. Ford of Caldwell referred to the committee on Finance.

Mr. Nichols offered the following resolution which was adopted.

"Resolved that should it be required for the defense of this State, or to secure the public safety, between the time of the adjournment of this Convention and the 2nd day of March next, the President of this Convention upon being advised of the fact by the committee of

---

[12] **This ordinance is No. 3 of the ordinances as printed. Only three ordinances were passed during the first session of the Convention.**

Public Safety, is hereby authorized to pledge the faith of the State for any sum or sums of money so required; provided that the aggregate amount for which such pledge is given shall not exceed the sum of one hundred thousand dollars; such sum or sums as may be so obtained shall only be disbursed by the President for the use aforesaid, and for that only upon the requisition of said committee of Public Safety, and the said committee is hereby required to take proper vouchers for and keep accurate accounts of all such disbursements.

“Resolved that the committee of Safety is hereby authorized to use for the defence of the State and to ensure the public safety any sum or sums of money which may be appropriated by the Legislature now in session, for the use of this Convention, whether the same be authorized to be drawn by the President or any other officer of this Convention, which shall be disbursed and accounted for in pursuance of the requirements of the preceding resolution. [”]

Mr. Terry of Tarrant offered the following resolution

“Resolved that this Convention will send a commissioner to each of the border States of Kentucky, Maryland and Missouri, said commissioners to be appointed by the President of this Convention”

The resolution was amended by adding the States of Tennessee, Arkansas, Virginia and North Carolina.

On motion of Mr. Campbell the resolution was postponed until the 2nd day of March next.

Mr. Terry of Tarrant offered the following resolution.

“Resolved that the officers of this Convention who are not members be paid for their services up to this date out of any contingent fund which may have been or may hereafter be appropriated by the legislature for the use of this Convention at the following rate pr. day, viz. secretary , asst. secretary , 2nd asst. secretary , sergt. at arms , asst. sergt. at arms , doorkeeper , asst. doorkeeper and two pages each .

On motion of Mr. Jennings the blanks in the resolution were ordered to be filled with the amounts paid by the house of representatives for similar services, which is five dollars pr. day except pages.

On motion of Mr. Anderson of Colorado the pages were ordered to be paid at the rate of two dollars and a half pr. day, and the resolution as amended was adopted.

Mr. Coke offered the following resolution which was adopted

“The people of Texas by their delegates in Convention assembled do hereby resolve that the returning officers of this State shall order elections to be held to fill all vacancies that now exist or that may hereafter occur by death, resignation or otherwise in this Convention, and that all such elections shall be held on the 23rd day of Feby. A.

D. 1861, in the usual mode now prescribed by law for electing members to the Legislature, except that the returns of said election shall be made on the third day after said election day to the President of this Convention.[”]

Mr. Earley offered the following resolution.

“Resolved that the people of Texas cherish a warm admiration for and sympathy with those friends of the constitution and equality of the States who although living north of the border line of slavery have in defiance of an overpowering fanaticism stood and still stand by the rights of the South when threatened by federal aggression.[”]

On motion of Mr. Gould referred to the committee on Foreign Relations.

Mr. Robertson of Smith offered the following resolution which was adopted,

“Resolved that Jno. D. Stell of Leon county be appointed President pro tem of this Convention, whose duties and powers shall be the same as those of the President, in the event of the President's absence, resignation or death.[”]

Mr. Rainey offered the following resolution

“Resolved that it is the sense of this Convention that, when the ordinance of secession takes effect on the 2nd day of March next, Texas will immediately unite with the other States which have seceded in the formation of a Southern confederacy, and that the President of this Convention transmit this resolution to the governors of the slave-holding States with the ordinance of secession.[”]

On motion of Mr. Gray, laid on the table.

Mr. Shepard offered the following resolution.

“Resolved that the ordinance providing for sending seven delegates to the Montgomery convention shall not be so construed as to give more power than to form a provisional government.”

Laid on the table.

Mr. Gregg offered the following resolution,

“Resolved that it is the sense of this Convention that as few changes should be made in our State constitution and laws as can be made in order to fit our government for the condition of separation from the United States.”

On motion of Mr. Chilton, postponed until the 2nd of March.

Mr. Stell offered the following resolution which was adopted

“Resolved that the Secretary of this Convention will hold his office until the business for which it assembled shall be fully completed, and that during the contemplated recess his official duties will be under the supervisory direction of the President of this Convention.”

Mr. Wiley offered the following resolution, which was laid on the table

"Resolved that the delegates to the Montgomery convention be instructed to urge upon that convention among other things the propriety of styling the constitution it may adopt, 'the constitution of the Southern United States.'["]

Mr. Brown offered the following resolutions which were adopted,

"Resolved that the Secretary of the Convention after its adjournment be instructed to transmit to the members of the Convention by mail as speedily as possible such printed documents as may remain in the printer's hands after said adjournment.

"Resolved that the President of this body be and he is hereby authorized during the recess of the same to receive and have filed to be submitted to the Convention on its re-assembling the muster rolls of all volunteer companies, battalions or regiments as may be tendered or transmitted to him from any part of this State, accompanied by a tender of their services through him to the State of Texas."

Mr. Portis offered the following resolution which was adopted

"Resolved that the thanks of this Convention be tendered to the President and other officers for the able and impartial manner in which they have discharged the duties of their respective offices"

Mr. Ochiltree moved that secrecy be removed from the journals of the Convention except such portions as related to the committee on Public Safety. Carried.

Mr. Dougherty asked and obtained leave to have his vote recorded in favor of the adoption of "The Ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America," and also in favor of submitting said ordinance to the people for their ratification or rejection on the 23rd day of Feby. A. D. 1861.

By leave Mr. Brown had the following remarks spread upon the Journal of the Convention as the reasons which influenced his vote in favor of submitting the ordinance to a vote of the qualified electors of the State for their ratification or rejection

Mr. President, individually I am and have been ever since the election of Lincoln an unswerving advocate of the secession of Texas and the formation of a Southern confederacy. I believe three-fourths of the people of the counties of Bell and Lampasas, which I in part represent, were in favor of that course at the time I was elected, and are so now; but from the provisions of the call, the positions taken by many delegates in the canvass in favor of referring, and the more important fact that so many pains were taken to mislead the people before the election, and unfairly prejudice them against the proposed convention, I believe that sound public policy and future harmony among the great mass of the people dictate that the question should be fairly passed upon by the people of the State divested of all extraneous issues. Thousands of true and honest men having had more or less hope of some adjustment, and others, under mistaken views as to its practicability having favored a combined movement of the whole South before separation, now that all these plans have failed and separate State secession is demonstrated as the only safe course, desire to record their votes in favor of secession. I want to afford all such men an opportunity of doing so. They will prove by their votes on the 23rd day of Feby. that they are at heart as true to the cause of the South as those who from the first became convinced that separate State secession followed by the formation of a Southern confederacy was the only path of safety. Such a result is greatly to be desired by all. For these reasons as a delegate I voted for referring the question to the ballot box; while as an individual I should have voted for unconditional secession.

John Henry Brown.

Mr. Robertson of Smith moved that the Convention do now adjourn until the 2nd day of March next, to re-assemble at the City of Austin at that time.

The President addressed the Convention as follows, viz:

Gentlemen of the Convention.

I thank you for the kindness and liberality extended to me as your presiding officer. My want of experience in parliamentary usages has required an indulgence which you have most generously extended. Your deliberations have been characterized by courtesy and conciliation. The ordinance has been submitted to the people for ratification or rejection. Let us go home and appeal to them to sustain our action by their votes; and when we reassemble on the 2nd of March let us bring back with us the voice of a united people, in favor of an immediate action to sustain the rights of the people of Texas and of the South at all hazards, and to the last extremity. I now pronounce the Convention adjourned until the 2nd day of March next.[13]

---

[13] On February 6th an address to the people was issued by members of the Legislature and delegates to the Convention who opposed secession. It was signed by senators M. D. Hart, I. A. Paschal, Emery Rains, and J. W. Throckmorton, by representatives M. L. Armstrong, Sam Bogart, L. B. Camp, William A. Ellett, B. H. Epperson, John Hancock, J. L. Haynes, J. E. Henry, T. H. Mundine, A. B. Norton, J. M. Owens, Sam J. Redgate, Robert H. Taylor, and G. W. Whitmore, and delegates Johnson of Titus, Raines and Shuford of Wood, Williams, Wright and Johnson of Lamar (*Southern Intelligencer* [Austin], February 13, 1861).

About February 10, O. M. Roberts, President of the Convention, also issued an address to the people, in which he briefly reviewed the action of the Convention and urged upon them the ratification of the Ordinance of Secession (*The State Gazette* [Austin], February 16, 1861.)

ADJOURNED SESSION.

City of Austin Texas
Saturday March 2nd A. D. 1861.

The Convention met pursuant to adjournment in the Hall of the House of Representatives, at 2 o'clock P. M.

Prayer by the Reverend Mr. Perry.

Upon calling the roll the following delegates answered to their names.

Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chilton, Clark, Clayton, Coke, Dancy, Davidson, Diamond of Cooke, Dunham, Fall, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hardeman, Hill, Hooker, Howard, Ireland, Kelly, Koester, Lea, Lubbock, Maltby, Mattox, Maxey, McCraw, Moore of Burnet, Montel, Moss, Nash of Dallas, Nauendorf, Neel, Newsom, Nicholson of Dallas, Norris, Palmer, Poag, Portis, Rainey, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rugeley, Shuford, Scurry, Shepard, Stell, Stewart of Anderson, Stewart of Gonzales, Taylor, Waller, Watkins, Wharton, Wiley, Williams of Lavaca and Wilson, 67.

No quorum present.

Mr. Stewart of Anderson presented the credentials of T. J. Word, delegate elect from the counties of Houston, Anderson and Trinity vice John H. Reagan resigned.

Mr. Scurry presented the credentials of D. M. Stapp and Wilkins Hunt, delegates elect from the counties of Victoria, DeWitt, Jackson and Calhoun vice J. J. Holt and Fielding Jones resigned.

Mr. Robertson of Washington presested the credentials of W. A. Montgomery, delegate elect from the county of Washington vice W. S. Oldham resigned.

Mr. Nicholson of Dallas presented the credentials of Wm. Nash, delegate from the county of Kaufman, etc.

On motion of Mr. Stell the newly elected delegates were invited to take their seats in the Convention and the roll corrected accordingly.

Mr. Brown stated that Mr. Henry had been elected a delegate to the Convention from the county of Freestone and others vice John Gregg, resigned, and moved that he be invited to take his seat in the Convention for the present, with the privilege of submitting his credentials when received to the appropriate committee, which was agreed to.

Mr. Lea presented letters showing that Mr. C. A. Russell was elected a delegate from the county of Karnes and others vice Mr. Littleton, resigned, and moved that he be invited to take his seat in the Convention for the present, with the privilege of submitting his credentials when received to the appropriate committee, which was agreed to.

On motion of Mr. Stell the credentials submitted were referred to the committee on Credentials, and the Convention adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M., March 2nd 1861.

The Convention met. Upon calling the roll it appeared that there was no quorum present.

Mr. Green moved an adjournment until 9 o'clock Monday morning. Lost.

On motion the Convention adjourned until 8 o'clock Monday morning.

Austin Texas, Monday, March 4th A. D. 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present.

Mr. Terry of Tarrant presented the credentials of Mr. J. W. Henderson, delegate elect from Harris county vice Wm. McCraven resigned.

Mr. Runnels presented the credentials of J. A. Chambers and Geo. H. Bagby, delegates elect from Red River county.

Mr. Chilton presented the credentials of Mr. Tignal W. Jones, delegate elect from Smith county vice Mr. Lofton resigned.

All of which were referred to the committee on Credentials.

The newly elected delegates were admitted to their seats in the Convention, and the Secretary ordered to enroll their names.

Mr. T. J. Chambers offered the following resolution which was adopted,

"Resolved by the Convention of the State of Texas, That the President and Secretary of this Convention do now proceed to count the votes of the people upon the 'Ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the constitution of the United States of America,' and to declare the result."

Mr. Portis moved to appoint a committee of three to wait on the Secretary of State and obtain from his office certified copies of the votes of such counties, received by him as have not yet been returned to the President or Secretary of the Convention. Carried.

Mesrs. Portis, Terry of Tarrant and Broaddus were appointed the committee.

Upon counting the vote it resulted as follows, viz: For secession

46,129 votes; against secession, 14,697 votes; majority for secession 31,432 votes; aggregate vote 60,826, as will appear by the annexed tabular statement of the vote cast in each county. Whereupon the President announced that the ordinance had been ratified by a large majority of the voters of the State.

"And that the State of Texas was and had been since March 2nd, A. D. 1861, a free, sovereign and independent nation of the earth, and that her citizens were absolved from all other allegiance than to her as such,[”][1]and

The Hon. Jas. M. Maxey was invited to implore Divine favor in behalf of the new government, which was done.[2]

Tabular Statement of Election returns, February 23, A. D. 1861.
For and against Secession.

County	For Secession	Against Secession	County	For Secession	Against Secession
Anderson	870.	15.	Bell	495.	198.
Angelina	139.	184.	Bexar	827.	709.
Atascosa	145.	91.	Blanco	86.	170.
Austin	825.	212.	Bosque	233.	81.
Bandera	33.	32.	Bowie	268.	15.
Bastrop	335.	352.	Brazoria	527.	2.
Bee	139.	16.	Brazos	215.	44.

---

[1] "The announcement was responded to by joyous cheering throughout the whole hall."—*Comprehensive Hist. of Texas*, II, 114

[2] "The Lone Star banner, which had been presented to the Convention by the ladies of Texas, was planted upon the dome of the Capitol, and was saluted by a discharge of artillery."—*The State Gazette*, March 9, 1861.

When the convention adjourned for dinner that day, March 4, 1861, in passing out of the capitol grounds there was found posted on the southern gate the following proclamation issued by the governor:

"PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

"Whereas, by virtue of an act of the legislature of the State of Texas, an election was ordered to be held on the 23rd day of February, A. D. 1861, at which the people of Texas were called upon to vote in favor of or against 'secession' from the government of the United States; and, Whereas, said election was held and returns thereof received on the 2d of March have been opened and counted as required by law, and it appearing that a majority of those votes, as well as a majority of those received since that period are in favor of 'secession;'

Now, therefore, I, Sam Houston, Governor of the State of Texas, do hereby issue this my proclamation declaring that a large majority of the votes received and counted, of said election, are in favor of the 'secession' of the State of Texas from the United States of America.

"Given under my hand and the Great Seal of the State of Texas, at Austin, this the 4th day of March, A. D. 1861.

"SAM HOUSTON.

"By the governor.
"E. W. Cave, Secretary of State."

—*Comprehensive Hist. of Texas*, II, 114-115. The proclamation is also printed in *The Southern Intelligencer* (Austin), March 13, 1861.

County	For Secession				Against Secession
Brown	75.	none.	Houston	552.	38.
Burleson	422.	84.	Hunt	416.	339.
Burnet	159.	248.	Jack	14.	76.
Caldwell	434.	188.	Jackson	147.	77.
Calhoun	276.	16.	Jasper	318.	25.
Cameron	600.	37.	Jefferson	256.	15.
Cass	423.	32.	Johnson	531.	31.
Chambers	78.	6.	Karnes	153.	1.
Cherokee	1106.	38.	Kaufman	461.	155.
Collin	405.	948.	Kerr	76.	57.
Colorado	584.	330.	Lamar	553.	663.
Comal	239.	86.	Lampasas	85.	75.
Comanche	86.	4.	Lavacca	592.	36.
Cooke	137.	221.	Leon	534.	82.
Coryell	293.	55.	Liberty	422.	10.
Dallas	741.	237.	Limestone	525.	9.
Denton	331.	256.	Live Oak	141.	9.
DeWitt	472.	49	Llano	134.	72.
Ellis	527.	172.	McLennan	586.	191.
El Paso	871.	2.	Madison	213.	10.
Erath	179.	16.	Marion	467.	none.
Falls	215.	82.	Mason	2.	75.
Fannin	471.	656.	Matagorda	243.	8.
Fayette	580.	626.	Medina	140.	207.
Fort Bend	486.	none.	Milam	468.	135.
Freestone	585.	3.	Montague	50.	86.
Galveston	765.	33.	Montgomery	318.	98.
Gillespie	16.	398.	Nacogdoches	317.	94.
Goliad	291.	25.	Navarro	621.	38.
Gonzales	802.	80.	Newton	178.	3.
Grayson	463.	901.	Nueces	142.	42.
Grimes	907.	9.	Orange	142.	3.
Guadalupe	314.	22.	Palo Pinto	107.	none.
Hamilton	86.	1.	Panola	557.	5.
Hardin	167.	62.	Parker	535.	61.
Harris	1084.	144.	Polk	567.	22.
Harrison	886.	44.	Red River	347.	284.
Hays	166.	115.	Refugio	142.	14.
Henderson	400.	49.	Robertson	391.	76.
Hidalgo	62.	10.	Rusk	1376.	135.
Hill	376.	63.	Sabine	143.	18.
Hopkins	697.	315.	San Augustine	243.	22.

County	For Secession	Against Secession
San Patricio	56.	3.
San Saba	113.	60.
Shelby	333.	28.
Smith	1149.	50.
Starr	180.	2.
Tarrant	462.	127.
Titus	411.	275.
Travis	450.	704.
Trinity	206.	8.
Tyler	417.	4.
Upshur	957.	57.
Uvalde	16.	76.
Van Zandt	181.	127.
Victoria	313.	88.
Walker	490.	61.
Washington	1131.	43.
Webb	70.	none.
Wilson	92.	21.
Wise	76.	78.
Wharton	249.	2.
Williamson	349.	480.
Wood	451.	191.
Young	166.	31.
Zapata	212.	none.

122 counties heard from; aggregate vote, 60,826; for secession 46,129; against secession 14,697; majority for secession, 31,432. 154 counties in all; 30 unorganized; 2 organized counties not heard from, viz: McCulloch and Presidio.

Mr. Chilton offered the following resolution, which was adopted.

"Resolved that those delegates who have been elected since the adjournment of the Convention be permitted to sign the ordinance of secession. ["]

Mr. Maxey offered the following resolution.

"Resolved that the committee on Business be instructed to enquire into the expediency of framing an ordinance in relation to revenue by import duties under the tarriff laws of the Usited States and report by bill or otherwise. ["]

On motion of Mr. Cooke the resolution was laid on the table.

Mr. Henderson offered the following resolution.

"Resolved that the Secretary be required to keep open the tabular form of vote for the purpose of counting and inserting any votes that may be received until the 15th inst."

Mr. Robertson of Washington moved to lay the resolution on the table. Lost.

The resolution was adopted.

Mr. Wharton offered the following resolution which was adopted.

"Resolved that a committee of seven be appointed by the President to prepare and submit to the Convention an ordinance defining what shall constitute treason against the State of Texas. ["]

Mr. Diamond of Cooke offered the following resolution which was adopted.

"Resolved that the Secretary be authorized to employ an additional assistant for the purpose of transacting the business of the

Convention, and that he be required to apportion and prescribe the duties of his assistants, and that a committee room not otherwise occupied, in the capitol building, be assigned him as a clerk's office for the purpose of more conveniently and expeditiously transacting the business required of him.''

Mr. Rogers of Harris offered the following resolution.

''Resolved that a committee on Judiciary to consist of seven members be appointed by the President of the Convention. ['']

Mr. Wiley offered the following as an amendment, ''and a committee on the Constitution to consist of members. ['']

On motion of Mr. Robertson of Washington the blank was filled with ''ten'' and the amendment adopted.

Mr. Portis offered the following as an amendment. ''And a committee of seven on the Executive and seven on the Legislative to which the constitution of the State of Texas shall be submitted with instructions to report the necessary changes to adapt the same to our independent condition. [''] Adopted.

The resolution as amended was then adopted.

Mr. Devine offered the following resolution,

Resolved by the people of the State of Texas in Convention assembled that the State of Texas has ceased to be a member of the government known as the ''United States of America'' or a party to the compact known as the constitution of the United States of America, and is a free, sovereign and independent State.

Mr. Dancy offered the following as a substitute.

''Whereas at an election held on the 23rd day of Feby, A. D. 1861, in accordance with law, a majority of the votes of the people of Texas were cast in favor of an ordinance submitted to them by this Convention, entitled 'An Ordinance to dissolve the Union between the State of Texas and other States united under the compact styled the Constitution of the United States of America,' therefore we the people of the State of Texas by delegates in Convention assembled do hereby declare that said ordinance has been ratified by the qualified electors of the State of Texas in the manner contemplated by said ordinance, and that the State of Texas is therefore a separate sovereign State and has been since March 2nd 1861, and that her citizens and people are absolved from all allegiance to the government known as the United States of America.''

On motion of Mr. Henderson the resolution and substitute were laid on the table.

On motion of Mr. Montgomery, Mr. Robertson of Washington was added to the committee of Public Safety in lieu of Mr. Oldham who has resigned his seat in this Convention.

Mr. Graham introduced an ordinance relating to the removal of the United States troops from the limits of the State of Texas, which was read three several times under a suspension of the rules and adopted.

Mr. Campbell introduced "An ordinance to accomplish a union between this State and the confederate States of America" which was read and on motion of Mr. Chilton referred to a committee of five to be appointed by the President.

Mesrs. Campbell, Chilton, Maxey, Devine and Brown were appointed the committee.

Mr. Wiley introduced an ordinance relating to commerce[3] which was read and referred to the committee on Commerce, Revenue and Navigation.

On motion of Mr. Henderson the Convention adjourned until tomorrow morning at 9 o'clock.

Austin Texas, Tuesday March 5th 1861.

The Convention met pursuant to adjournment. Roll called, quorum present. Prayer by the Rev. Mr. Perry.

The Journals of the 2nd and fourth inst were read and adopted.

The President submitted communications from R. T. P. Allen of the Bastrop Military Institute, from T. N. Waul delegate from the State of Texas to the congress of the Confederate States of America, from Col. H. E. McCulloch commanding on the Northwestern frontier, from C. G. Forshey of the Texas Military Institute and from S. B. Callahan a resident of the Creek nation. All of which were on motion of Mr. Nelson referred to the committee on Public Safety.[4]

Montgomery Ala. Feby 23d 1861[5]

Hon O. M. Roberts
President of the Texas State Convention
Sir

The enclosed letter from the Secretary of War of the Confederate States is the result of an interview between the President and Secretary of War with the Texas delegation. Learning by Telegraph from Genl. Rogers[6] that several detachments were in the field and advancing upon the military posts within the borders of Texas, it was thought advisable that such material aid as could be procured from the Confederation should be obtained in support of the movement.

---

[3] The original draft of this ordinance has not been found.

[4] The communications from R. T. P. Allen and S. B. Callahan have not been found. While the original of the letter from H. E. McCulloch has not been found, perhaps it is identical with that printed under date of February 25, 1861, on page 368.

[5] A. L. S. in Miscellaneous Papers of the Secession Convention.

[6] See Report of J. H. Rogers, page 313.

The delegation desired a special commissioner with full powers and of such national reputation and character as would obtain the respect of the Federal as well as the State officers, and requested that he be sent at once to Texas to negotiate for or enforce the delivery of the arms and munitions of war now on the soil of Texas.

The difficulties attending the mission was obvious to the President as they will be to you Texas has not yet severed her connection with the United States, and in consequence the President of the Provisional Government could not attempt to control any movement on the soil of Texas or coerce troops under a Government with whom Texas still remained united, and whose presence was recognized and tolerated by the authorities of Texas

The resolution accompanying this letter, together with the latter portion of the communication from the Secretary of War may in skilfull hands be used so as to unite and add to the army of the Confederate States such officers of the army as by duty and inclination would attach themselves to the cause of the South it assures them if worthy that places will be provided for them.

The officers if any considerable number would leave might bring with them their men, and if Texas will assume the responsibility of enrolling or reenlisting companies Battalions or regiments, and will notify the confederacy of the Confederate States, Texas will be relieved and they will be mustered into the service of the Confederate States

Should the officers desire to leave the State with the soldiers, altho' a free and unimpeded transit should be permitted, that would only include the necessary small arms unimpeded by trains and baggage wagons, and the road offering least annoyance to Texas should be determined on all that can be said in connection I know has commended itself to your consideration

We hope that the scission will be bloodless. The Congress of the Confederate States and its Executive are preparing for a vigorous prosecution of war if it ensues and I need not say to you that I take pride in saying here that Texas will send as many troops and as brave an army into the field as the most populous State in the Confederacy. Judges Gregg and Ochiltree are here and have been for sometime. there is every disposition to respect the position and desires of Texas, and your delegation will take pleasure in reflecting the opinions of the State and would invoke directions as to any matter or measure of policy desired by the Convention with the hope that all may yet be well, that the rupture may be bloodless, and with full confidence that Texas will sustain her high renown

I remain yours truly

T. N. Waul

P. S. The possibility of settling our difficulties by a reconstruction of the Union is never alluded to, and the proposal would receive about the same encouragement as a proposition to re-annex Texas to the State of Mexico. T. N. W.

War Department

Montgomery Feby 23rd 1861[7]

To the Delegates from Texas to the Congress of the Confederate States.

Gentlemen:

In response to the communication submitted by you to the President, in relation to the military complications in your State, he has instructed me to say that he appreciates the embarrassments of your position, and in his anxiety to remove them is disposed to assume every responsibility compatible with the relations of this Goverment to the State of Texas. But, as you are aware, this Government has no official notification of the secession of your State from the Government of the United States, and, until this occurs, however hopeful the President may be of the result of the reference of the action of your Convention to the popular vote, you will readily perceive that this Government could not assume formal jurisdiction over the questions submitted by you. The President, however, instructs me to say, that he considers it due to international courtesy, that the Government of the Confederate States, Texas included, after her withdrawal from the United States, should accord to the troops belonging to that Government a reasonable time within which to depart from her territory. The probability is that the Government of the United States would not be inclined to keep these troops within your territory after the secession of your State. Should it be otherwise, the President does not hesitate to say that all the powers of this Government should be promptly employed to expel them. Meantime, it is considered by the President, under the circumstances, that it would be proper in the Authorities of Texas to suspend any attack upon the forts, arsenals, or other military occupations of the Government of the United States within her territory, as this Government is charged with the power to negotiate and to conduct all military operations.

It may be proper to add that, deeming it probable a portion of the officers and men belonging to the army of the United States now stationed in Texas may, after the secession of your State, consider their allegiance due rather to this Government than to the Government of the United States, and under the influence of this sentiment may feel inclined to acknowledge that allegiance by reporting themselves here, I do not doubt the disposition of this Government to receive them favorably. The special facts, however, suggestive of this belief are better known to yourselves than to this Department, and you will, I doubt not, communicate them to the authorities of your State.

---

[7] A. L. S.

I have the honor to be,

L. P. Walker
Secty of War.

Hall of the Congress of the Confederate States of America
Montgomery Alabama. February 13th 1861

Mr. Conrad offered the following resolution, which was read three times and adopted

Resolved that the Committee on Military Affairs, and the Committee on Naval Affairs, be instructed to include in any plan they may propose for the organization of the Army and Navy suitable provisions for such officers of the Army and Navy of the United States as may have tendered a resignation of their Commissions in consequence of their adhesion to any or all of the States of the Confederacy

I hereby certify that the above is a correct copy of the Journal of Congress and of the original resolution on file in my office

Given under my hand at Office, in the City of Montgomery, this 23d February A D 1861

Johnson J. Hooper
Secretary of the Congress C. S. A.

On motion of Mr. Flournoy the further counting of election returns during the sitting of the Convention was postponed until the 15th inst., and on motion of Mr. Brown the President and Secretary were instructed to open and estimate the election returns received in the meantime as they come in.

Mr. Campbell, chairman of the select committee of five to which was referred the "Ordinance in relation to a union of the State of Texas with the Confederate States of America["], reported the same back to the Convention and recommended its passage without amendment.

To the Hon. O. M. Roberts,
President of the Convention of Texas:[8]

The Select Committee of five to whom was referred the ordinance entitled "An ordinance in relation to a union of the State of Texas with the confederate States of America," with instructions to report the same this morning, having had the same under consideration and deeming amendments thereto unnecessary, report the same without amendment and recommend its immediate adoption.

---

[8] The report of the committee and the ordinance printed below are taken from the original printed bill in Miscellaneous Papers of the Secession Convention.

All of which is respectfully submitted.

Robt. C. Campbell,
J. M. Maxey,
Thos. J. Devine,
Jno. Henry Brown,
Geo. W. Chilton.

An ordinance in relation to a Union of the State of Texas with the Confederate States of America.

Whereas, the Convention of this State has received information that the Congress of the [2][9] confederate States of America, now in session at the city of Montgomery, in the State of [3] Alabama, has adopted a Constitution for a Provisional Government, to remain in force [4] one year from the inauguration of the President, which Constitution is modelled on that [5] of the United States of America; and whereas as a seceded State, it becomes expedient [6] and proper, as involving her safety and present and future welfare, that Texas should join [7] said Confederacy, and share its destinies; and whereas, a delegation consisting of seven [8] members has already been elected by the Convention to the Congress of the Confederacy [9] aforesaid, therefore

The People of Texas in Convention assembled, have ordained and declared, and do hereby [2] ordain and declare, that the delegation aforesaid to the Congress aforesaid be and they are [3] hereby instructed, and we do accordingly instruct them, in behalf of the State, and as [4] representing its sovereign authority, to apply for the admission of this State into said [5] Confederacy, and to that end and for that purpose, to give in the adhesion of Texas to the [6] provisional Constitution of said confederate States; and which said Constitution this Convention [7] hereby approves, ratifies, and accepts.

2. Be it further ordained, That the delegation appointed by this State to the Congress of [2] the Confederate States of America, are hereby instructed to aid and co-operate as members [3] of said Congress, in the making of a permanent Constitution for the same, provided, [4] however, that the Constitution created shall not become obligatory on this State till approved [5] by the people, in such way as shall be determined upon.

3. Be it further ordained, That the President of the Convention immediately transmit, [2] through such channel as he may select, a copy or copies of this Ordinance, to the Congress [3] at Montgomery, and the members of Congress from this State.

---

[9] The numbers in brackets indicate the lines of the printed bill.

On motion of Mr. Anderson of Colorado the rule was suspended [and] the report and ordinance taken up and read.

Mr. Robertson of Washington moved that the ordinance be made the special order for the day for 3 o'clock P. M., and that 250 copies be printed for the use of the Convention

Mr. Ireland moved to lay that motion on the table. Lost.

The motion to postpone until 3 o'clock and print prevailed.

Mr. Graham from the committee on Credentials made the following report.[10]

The committee on Credentials to whom were referred sundry certificates of election and applications for seats in the Convention, beg leave to report that they have examined the credentials presented. and find that William Nash has been duly elected as a delegate from the representative district composed of the counties of Kaufman, Henderson and Van Zandt:

That D. M. Stapp and Wilkins Hunt have been duly elected as delegates from the representative district composed of Victoria, DeWitt, Jackson and Calhoun counties, to fill vacancies occasioned by the resignation of J. J. Holt and Fielding Jones.

That Charles A. Russel has been duly elected from the district composed of Karnes, Bee, and Live Oak counties, to fill the vacancy occasioned by the resignation of John Littleton,

That W. A. Montgomery has been duly elected from Washington county to fill the vacancy of W. S. Oldham resigned.

That T. J. Word has been duly elected as floating delegate from the counties of Houston, Anderson and Trinity to fill the vacancy of John H. Reagan resigned.

That J. A. Chambers and George H. Bagby have been duly elected as delegates from the county of Red River.

That Tignal W. Jones has been duly elected in place of O. Loftin resigned, from the county of Smith.

That James W. Henderson has been duly elected a delegate from the county of Harris to fill the vacancy caused by the resignation of William McCraven.

All of which is respectfully submitted.

M. D. Graham
Nath'l Terry
A. P. Wiley
T. J. Devine
Com tee

Mr. Robertson of Washington offered the following resolution

---

[10] This report has been compared with and made to conform to the original in Miscellaneous Papers of the Secession Convention.

"Resolved that the President appoint a committee of five to wait on his Excellency the Governor of the State and inform him that the Convention has reassembled, and that the people have ratified the ordinance of secession, and that in the further action of the Convention the cooperation of the Executive Department is respectfully requested.["]

Mr. Broaddus offered the following as a substitute.

"Resolved that a committee of five be appointed to inform the Governor of this State that this Convention is again in session, that it has counted the vote of the people on the ordinance of secession and the result is 46,129 votes for secession, and 14,697 votes against secession, and that the Convention has declared that the State of Texas has seceded from the United States of America.["]

Mr. T. J. Chambers moved to refer the resolution and substitute to a select committee of five. Lost.

Mr. Ireland offered the following as a substitute for the substitute.

"Resolved that a committee of five be appointed to wait on his Excellency Gov. Houston and inform him that Texas is a free, sovereign and independent State, and that her connection with the government of the United States of America has ceased, and that the Convention is ready for business.["]

On motion of Mr. Jennings, laid on the table.

Mr. Montgomery offered the following substitute for the original resolution and substitute.

"Resolved that a committee of five be appointed to wait on his Excellency the Governor and inform him that the Convention has reassembled, and that the ordinance of secession has been ratified by the people, and that the State of Texas is and has been from the 2nd day of this current month a free, sovereign and independent State."

Mr. Henderson moved to lay the substitute on the table. Lost. And the substitute was adopted.

Mr. Chilton moved to amend by adding, "and is ready to receive any communication in writing from him"

On motion of Mr. Jennings laid on the table, and the resolution was then adopted.

The President announced the following as the committee, viz: Mesrs. Montgomery, Robertson of Washington, Ireland, Jennings and Broaddus.

On motion of Mr. Robertson of Washington, Mr. Ireland at his own request was excused and Mr. Rogers of Harris appointed in his place.

Mr. Wiley introduced "an ordinance to provide for the continuance of the existing State government, upon the officers thereof taking a new oath of office"[11] Read 1st time.

---

[11] The original draft of this ordinance has not been found.

Mr. Montgomery offered the following resolution, which was laid over one day under the rule, for consideration.

"Resolved that a committee of five be appointed by the President to revise the rules of order of the House of Representatives so as to make the same applicable to the Convention and report tomorrow morning at 10 o'clock.["]

Mr. Stapp introduced the following resolution which was adopted.

"Resolved that the committee of Safety be instructed to inquire into the expediency of a proper distribution of such artillery as may be in possession of the State and as may be necessary for the protection of the passes into the harbors of Texas, that is to say, Sabine, Galveston, Matagorda, Aransas, and Point Isabel, and that they be requested to report as early as practicable by ordinance or otherwise.["]

Mr. Terry of Tarrant offered the following resolution which was adopted

"Resolved that in view of the exigencies of the times the committee of Safety be instructed to inquire into the necessity of purchasing other arms in addition to those already owned by the State, the number and kind required for immediate use, if any, and the necessity of sending an agent at once for their procurement, and report to the Convention as early as possible."

Mr. Devine introduced an ordinance respecting public property.[12] Read 1st time.

Mr. Moore of Burnet offered the following resolution.

"Resolved by this Convention that we hail with delight the announcement that the congress of the Confederate States of America have unanimously elected the gallant soldier and able statesman Jefferson Davis president, and the talented statesman A. H. Stephens vice-president, and that we have every confidence in their ability, integrity and patriotism to fill the high and responsible positions they now occupy.["]

Mr. Shepard offered the following as a substitute.

"Resolved that this Convention has received with the highest gratification the intelligence of the election of Jefferson Davis of Mississippi as president, and A. H. Stephens of Georgia as vice-president of the provisional government of the Southern Confederate States

"Resolved that the Secretary of this Convention be instructed to communicate the foregoing resolution to our delegates at Montgomery, to be presented to the congress of the Confederate States"

On motion of Mr. Stockdale the resolution and substitute were referred to the committee on Resolutions.

The President announced the following as the committee to define treason against the State of Texas under the resolution of Mr. Wharton adopted on yesterday. Mesrs. Wharton, Lea, Jones, Hutcheson, Ireland, Rugeley and Gould.

---

[12] This ordinance was adopted without amendment.

On motion of Mr. Chilton, Mr. Jones was added to the committee on Foreign Relations.

On motion of Mr. Brown, Mesrs. Stapp and Henry were added to the committee on Commerce and Navigation.

On motion of Mr. Portis the vote on yesterday adopting the resolution authorizing the appointment of committees on Judiciary, the Constitution, the Legislative and Executive, was reconsidered.

On motion of Mr. Portis the resolution was amended by striking out all relating to a Judiciary, Legislative and Executive committee, and the resolution as amended was then adopted.

On motion the Convention adjourned until 3 o'clock, P. M.

Tuesday March 5th 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The President announced the following standing committee on the Constitution, viz: Mesrs. Wiley, Runnels, Graham of Rusk, Jennings, Maxey, Poag, Coke, Stockdale, Scurry and Anderson of Colorado.

On motion of Mr. Graham of Rusk, Mr. Runnels was added to the committee on Finance, and Mr. Maltby to the committee on Commerce and Navigation.

On motion of Mr. Green, Mr. Campbell was added to the committee on Commerce and Navigation.

Mr. Brahan offered the following resolution which was adopted.

"Resolved that a standing committee on Citizenship to consist of seven members be appointed by the President of this Convention."

Orders of the Day.

The hour having arrived for the special order the Convention proceeded to the consideration of "The ordinance in relation to a union of the State of Texas with the Confederate States of America.[")]

Mr. Terry of Tarrant moved to lay the ordinance on the table for the present. Lost by the following vote,

Yeas, Mesrs. Adams, Allen, Bagby, Broaddus, Earley, Hogg, Hooker, Hunt, Jennings, Rhome and Shepard, 11.

Nays, Mesrs. Anderson of Colorado, Armstrong, Askew, Box, Burditt, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clayton, Coke, Cox, Dancy, Davenport, Diamond of Cooke, Dunham, Fall, Flournoy, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hardeman, Henry, Henderson, Hill, Howard, Hoyl, Hutcheson, Hunt, Ireland, Jones, Kelly, Koester, Lesueur, Lea, Lubbock, Maltby, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of

Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Ross, Rugeley, Russell, Scurry, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Waller, Watkins, Wharton, Wier, Wiley, Williams of Lavacca, and Wilson, 91.

Mr. Stockdale moved to amend by striking out, in the 6th line of the preamble, the words "As involving her safety and present and future welfare." Carried.

Mr. Lea moved to amend by striking out in the 3rd and 4th line of the preamble the words "to remain in force one year from the inauguration of the president." Carried.

Mr. Wiley moved to amend by inserting in the 3rd line of the 1st section after the word "hereby" the words "re-elected and"

On motion of Mr. Wharton laid on the table.

Mr. Wiley moved to strike out the 2nd section.

Mr. Graham offered the following as a substitute for the motion of Mr. Wiley and the 2nd section of the ordinance.

"Sec. 2. Be it further ordained that the delegation appointed by this Convention to the congress of the Confederate States be and they are hereby authorized to act in said congress as the duly accredited representatives of the State of Texas. Provided however that any permanent constitution which may be formed by said congress shall not become obligatory on this State until approved in such way as shall be determined upon." Adopted.

Mr. Dancy moved to amend by striking out in the 3rd line of the 1st section the words "and we do accordingly instruct them." Lost. And the ordinance as amended was adopted by the following vote.

Yeas, Messrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Beazley, Box, Burditt, Black, Blythe, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clark, Cleveland, Coke, Cox, Dancy, Davenport, Davidson, Devine, Dunham, Earley, Fall, Flournoy, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hardeman, Hays, Henderson, **Hill, Hogg, Hooker, Howard, Hoyl, Hughes,** Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lea, Locke, Lubbock, Maltby, Maxey, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Rainey, Rhome, Robertson of Smith, Rogers of Harris, Ross, Rugeley, Runnels, Russell, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Waller, Watkins, Wharton, Wier, Wiley, Williams of Lavacca, Wilson and Wright, 109.

Nays, Mesrs. Montgomery and Robertson of Washington, 2.

On motion of Mr. Dancy the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin Texas, Wednesday March 6th/61.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Hon. Mr. Maxey.

Mr. Lesueur offered the following resolution which was adopted.

"Resolved that the President appoint a committee of five on Contingent Expenses."

On motion of Mr. Devine, Mr. Davidson was added to the committee on Foreign Relations.

On motion of Mr. Maxey, Mr. T. W. Jones was added to the committee on the Constitution.

On moton of Mr. Wiley, Mr. Wharton was added to the committee on Finance

The President presented a communication from John Gregg and Wm. B. Ochiltree, delegates from the State of Texas to the congress of the Confederate States at Montgomery.[13]

Mr. Portis moved to spread the same of [on] the Journals.

Mr. Ireland offered as a substitute to furnish a copy of the same to the *State Gazette* for publication.

On motion of Mr. Brown the communication was referred to the committee on Federal Relations.

The President submitted a communication from W. C. Dalrymple in reference to the occupation of Camp Cooper.[14]

On motion of Mr. Henderson it was referred to the committee on Public Safety.

By leave, Mesrs. Baxter, Hall, Lester, Moore of Fayette, Preston, Scott and Wilcox were allowed to record their votes in favor of the ordinance in relation to a union of the State of Texas with the Confederate States of America.

The President presented a communication from Mr. Hamner[15] which on motion was referred to the committee on the Public Safety.

The President presented a communication from Col. J. S. Ford[15] which was read.

---

[13] See page 117.

[14] While the original letter from W. C. Dalrymple has not been found, perhaps it is identical with that printed under date of February 23, 1861, on page 384.

[15] The letters from Mr. Hamner and Colonel Ford have not been found.

The President presented a communication from Mr. R. S. Walker,[15] relating to a military company, which on motion of Mr. Stell was referred to the committee on the Public Safety.

On motion of Mr. Scott, Mr. Hall was placed on Mr. Ochiltree's committees, and Mr. Baxter on Mr. Pope's committees.

Mr. Maxey offered the following resolution which was adopted

"Resolved that the Rev. Mr. Perry of the Methodist Episcopal Church be requested to act as chaplain to the Convention during its present session; and that the Secretary inform him of the passage of this resolution."

Mr. Robertson of Washington from the committee on Public Safety submitted the following report.

"The committee on Public Safety to whom was referred the communication of Col. C. G. Forshey, superintendent of the Texas Military Institute, in relation to the flag recently adopted by Louisiana, respectfully report that the suggestions therein made may be of some importance but the committee not having time to investigate the matter from the press of other business ask to be discharged from its further consideration.["]

Texas Military Institute, Fayette County.
February 22, 1861.[17]

Hon. H. K. Elgee,

Dear Sir,

From the public prints I infer that the flag, recently adopted as the national flag of Louisiana, was designed chiefly [by] yourself; you will therefore pardon the liberty I take in addressing you.

My object is to call your attention, however late, to the striking resemblance of the colors and designs you have adopted to the national flag of Texas, and to suggest whether this resemblance is not calculated to produce awkward, and perhaps serious mistakes; and at the same time, to claim for this State a priority in the adoption of her flag so great as to give her a prescriptive title on land and sea.

On the 10th day of Dec. A. D. 1836 the first Congress of the Republic of Texas adopted a national flag, "whose conformation shall be an azure ground with a large golden star central," and "for the naval service, Union-blue, star central, with 13 stripes of red and white." This was amended in 1839 to "*white* star with five points."

This beautiful and tasteful banner was not adopted without adequate consideration. In the year 1835 a company of volunteers was raised at Harrisburg, Tex., and a flag was presented to Capt. Andrew Robinson for his company by a lady (Mrs. Sarah B. Dodson). It was a tri-color of Red, White and Blue, with a white five pointed star set in a ground of red.

---

[15] The letter from R. S. Walker has not been found.

[17] L. S. in Miscellaneous Papers of the Secession Convention.

About the same time, Col. Ward's command on its way to Texas was presented; at Columbus Georgia, with a similar flag, made and presented by a young lady of that State, (Miss Troutman,) which flag had so eventful a history, as to hallow its memory in Texian affection. It was made of plain white silk, and bore an azure star of five points on either side, with patriotic inscriptions in English and Latin. This flag was unfurled with the banner of Independence, at Velasco, Jan 8, 1836. It was carried to Goliad by Col. Fannin, and was unfurled beneath the blood-red sword that waved over it to protect it at Velasco. On the 8th of March, six days after the Declaration of Independence, Col Fannin received the news by express, and in the wild enthusiasm of joy he fired a salute of artillery, and kept the Lone Star flag flying at the top of his lofty staff till sunset. When the last gun was fired, the flag was lowered as usual, and on its descent caught in the halliards and was torn to fragments! When Fannin evacuated Goliad to join Houston under orders, he left a small fragment fluttering at the head of the first flag-staff on which was unfurled the banner of Texan Independence. Alas! it witnessed in a few days the slaughter of those whose joyous enthusiasm had torn it into tatters.

The fittings up of the Lone Star flag, during the march of the army from Gonzales to San Jacinto, were various, but by common consent the Lone Star was universal, and the star the only characteristic thing that marked them. The Congress in enacting the flag in December following did but ratify what had become universal in the public mind. There is no old Texian who does not to this day fire with the memory of other times and renew a patriotic youth, when his eye greets this beautiful banner.

The thirteen stripes were doubtless adopted for reasons similar to those which governed your committee and Convention in placing them upon the flag of Louisiana. The ancestors of the Texian patriots were the citizens and soldiers of the thirteen original States that purchased American Independence; and this device, whether of White and Red, or white, red and blue as you have tastefully arranged them, may well be adopted by all the States that withdraw from the American Union. The noble banner is a common heritage, and for our confederate flag I hope to see no alteration of the old banner of the Union, except that the number of the Stars shall be different and typify the number of the States that unite in the Confederation. The specific type for each State, should be her coat-of-arms, or some choice design, on the field at the head of the flag.

I need scarcely remind you how recent is the Independent national history of Texas, and how widely her flag became known during the Republic's existence, [and] how honorably it was sustained during her naval history.

During the whole of her history as a State of the American Union, this flag (with a five pointed star in a field of blue) has been her banner; and the addition of thirteen stripes or sometimes a mere sheet of white and red has been a matter of option with those who made or used it. For example the Texas Military Institute flag, used by the cadets on special occasions, was made with scrupulous accuracy by Texian girls, and presented to them on the 21st of April 1857 at a celebration of the anniversary of the battle of San Jacinto. Probably no more exquisitely wrought banner, or one of more tasteful beauty, ever bore the Lone Star in Texas or elsewhere. It bears the large white star of five points in the center of the blue field, with thirteen small stars forming a circle round it, and thirteen stripes of red and white, forming the body of the flag. When it was made, we had no anticipation of the necessity of its re-enactment as a national flag. We should surrender it with great reluctance, for we have been educating Texan youth to do and to dare for their country beneath its folds; and much as we respect our noble neighbor, the chivalrous Louisiana, we cannot consent to surrender her our colors, but must claim them as our own by prescription and by affection.

In conclusion I would remark that the Lone Star has at various times, I know not how early, been used as ~~a~~ banner of Revolution, and as such it might still be used temporarily, without liability to the objections I would respectfully urge against its adoption by Louisiana. In fact, tradition (and history perhaps) claims that it was used within the limits of Louisiana nearly half a century since, as the standard of [the] Florida Revolution. I am not informed of all the facts, but if this circumstance has led to the adoption of this emblem by the Louisiana Convention; the motive must command the respect due to that other motive which has so tastefully interwoven Hope, Virtue and Valor into thirteen stripes in the flaunt of your banner. But this wandering, Revolutionary Star is, we respectfully urge, no longer liable to national appropriation. It finished its sublimest achievement, when it conquered for freedom the vast and fertile empire of Texas. It was fit, in the highest sense, that here it should find its rest, and here dispense its perennial lustre upon the banner that floats over its noblest conquest.

I shall have the pleasure to transmit a copy of this letter to the President of the Convention of Texas, on its reassembling on the 2nd day of March. I remain very respectfully, Caleb G. Forshey,

Supt. Texas Mil. Inst.

Hon. O. M. Roberts,
Prest. Convention[18]
Dear Sir,

When I completed my letter this morning, I had not observed my chart of national flags as critically as I should. I find that we are not the sole claimants of a *Lone Star*, even should Louisiana drop her pretensions.

The Republic (or Colony) of Liberia has for her colors a white, five pointed star, in a field of blue; and thirteen stripes, alternate red and white, in the flaunt.

The Republic of Chili has a white five pointed star, in a field of blue; and the flaunt, white above and red below, two colors and two belts only, in the flaunt.

It is scarcely necessary to remark that the distance, and the smallness of the commerce of these two proprietors, are such as to render their colors unimportant to us.

It is well, however, in a review of this subject to have before you all the information respecting like colors in use by others.

I remain very respectfully Yours
March 1, 1861 C. G. Forshey.

Mr. Moore of Burnet introduced "an ordinance to prescribe the oath of office to be taken by the officers of the State of Texas" Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Rogers of Harris introduced "an ordinance to procure additional arms for the State of Texas."[19] Read 1st and 2nd times and referred to the committee on Public Safety.

Mr. Davidson introduced "an ordinance relative to allegiance and fealty"[19] Read 1st and 2nd times and referred to the committee on Constitution.

Mr. Stewart of Gonzales introduced an ordinance directing the disposition of a portion of the personal property lately surrendered to Texas by Gen'l Twiggs.[19] Read 1st and 2nd times and referred to a special committee of five.

Mr. Nelson introduced an ordinance to protect inventors who are citizens of Texas, or citizens of the Confederate States of America."[19] Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Wm. Chambers introduced "an ordinance in relation to offences against the sovereignty of the State."[19] Read 1st and 2nd times and referred to the committee on Treason.

Mr. Campbell introduced "an ordinance in relation to the enrolling, publication and preservation of the acts and journals of the Convention."[19] Read 1st and 2nd times and referred to the committee on Business.

---

[18] A. L. S.

[19] The original draft of this ordinance has not been found.

Mr. Davidson offered the following resolution which on motion of Mr. Green was referred to the committee on Finance.

"Resolved that a special committee of five be appointed with instructions to enquire into the expediency of converting a sufficient amount of State securities into cash to relieve the State from its present demands upon the treasury, or to provide such other ways and means as they may deem necessary to enable the State to meet the current expenses of the government and report by resolution or otherwise. ["]

Mr. Wiley introduced "an ordinance in relation to the jurisdiction of the courts of this State. ["][19] Read 1st and 2nd times and referred to the committee on Constitution.

Mr. Nelson introduced "an ordinance to provide against the release of persons indicted in the United States District court in the State of Texas."[19] Read 1st and 2nd times and referred to the committee on Constitution.

On motion of Mr. Roberts (President), Mesrs. Flournoy and Davidson were added to the committee on the Constitution.

On motion of Mr. Wiley, Mr. Palmer was added to the committee on Resolutions.

Mr. Payne of Hopkins offered the following resolution, which on motion of Mr. Locke was referred to the committee on Business.

"Resolved that the President appoint a standing committee on Postal Affairs whose duty it shall be to take into consideration the condition of the mail service of Texas at present. ["]

Mr. Anderson of Colorado offered the following resolution which was adopted.

"Resolved that the committee on Finance be instructed to arrange and determine the per diem pay and mileage of the members and the per diem pay of the officers of this Convention, and that they be required to report by ordinance or otherwise at an early day. ["]

On motion of Mr. Wharton, Mesrs. Campbell and Stell were added to the committee on Finance.

Mr. Norris offered the following resolution which was adopted.

"Resolved that the committee on Finance be instructed to devise ways and means for defraying the regular and contingent expenses of this Convention. ["]

Mr. Portis offered the following resolution which was adopted

"Resolved that a committee consisting of one from each judicial district in the State be appointed to take into consideration the constitution of the Confederate States of America, and to report such changes, alterations and amendments as they may think desirable to be incorporated into the permanent constitution of the Confederate States of America."

---

[19] The original draft of this ordinance has not been found.

Mr. Stewart of Gonzales offered the following resolution which was adopted.

"Resolved that a special committee of five be appointed by the President on Frontier Protection, which committee shall consist of the delegates who represent the frontier counties, and that said committee be instructed to draft and report an ordinance for the protection of the frontier against the Indian depredations, and that the said committee report upon the ordinance for the sale of the horses, mules, wagons etc introduced this morning. ["]

Mr. Chilton introduced "an ordinance reserving to the State of Texas the exclusive control of her public domain"[20] Read 1st and 2nd times and referred to the committee on Constitution.

On motion of Mr. Norris, Mr. Rainey was added to the committee on Finance.

Orders of the Day.

The resolution offered by Mr. Terry of Tarrant, proposing to send commissioners to the border States, being next in order, was taken up, read, and on motion of Mr. Jennings, laid on the table.

The resolution offered by Mr. Gregg, declaring it to be the sense of this Convention, that as few changes should be made in the State constitution as were necessary to adapt the same to our separation from the United States government was taken up and read.

On motion of Mr. Anderson of Colorado the resolution was amended by adding "and connection with the Confederate States of America."

On motion of Mr. Chilton the resolution was laid on the table for the present.

The ordinance to provide for the continuance of the existing State government, upon the officers thereof taking a new oath of office, being next in order, was taken up, read and on motion referred to the committee on Constitution.

On motion of Mr. Jennings the Convention adjourned until tomorrow at 10 o'clock, A. M.

City of Austin Texas, Thursday, March 7th/61.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

---

[20] The original draft of this resolution has not been found.

The Journals of the preceding sessions, not heretofore acted upon, were read, amended and adopted.

The President announced the following as the committee on Contingent Expenses, viz: Mesrs. Lesueur, Burditt, Bagby, Moore of Fayette and Ford of Caldwell.

Also the following as the committee on Citizenship, viz: Mesrs. Brahan, Chilton, Howard, Wilcox of Bexar, Maxey, Hughes and Nicholson of Dallas.

The President submitted a communication of the Rev. B. F. Perry, accepting the appointment of chaplain to the Convention.

Mr. Rugeley presented the petition of Henry Kyle and others referred to the committee on Public Safety.[21]

Mr. Wharton, chairman of the select committee to define treason against the State of Texas, made the following report.

The select committee of seven, to whom was assigned the duty of reporting an ordinance to define and punish treason, respectfully report that after a careful and critical examination of the definition of treason, embodied in the constitution of Texas, which is as follows, "Treason against this State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort, and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court." There exists no necessity to change that which experience has sanctioned and approved; believing that a departure from settled usages without an adequate necessity would prove both unwise and inexpedient.

Whilst the committee is of opinion that no change should be made in the constitutional definition of treason, yet they think that the power lodged by the Penal Code in a jury, which leaves it discretionary with the jury to punish treason, either by death or confinement for life in the penitentiary, is unwise and improper; and believing further that the only penalty for treason should be death, they report the following ordinance and recommend its adoption.

Jno A. Wharton
Tignal W. Jones
Jno Ireland
Jno. Rugeley
Pryor Lea
J. W. Hutcheson
Robert S Gould

---

[21] Henry Kyle, Smith Darnell and Geo. A. Feris wrote from Richmond, March 5th, that they had been appointed a committee to ascertain whether there were arms of any kind in the State of which they could get one hundred stand. (L. S. in Miscellaneous Papers of the Secession Convention.)

An Ordinance to Punish Treason

We the people of the State of Texas in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the penalty for treason shall be death.

Read 1st time.

Mr. Campbell offered the following resolution which was adopted.

"Resolved that there be raised a standing committee of three to be denominated a committee on enrollment."

The President appointed on that committee Mesrs. Stell, Stewart of Anderson and Shepard; Mr. Campbell asking to be excused.

By leave, Mesrs. Robertson of Washington and Montgomery were allowed to have the following protest spread upon the Journals and their votes changed accordingly.

"The undersigned delegates from Washington county ask leave to change their votes on the ordinance passed on the 5th inst., uniting the State of Texas with the Confederate States of America. The undersigned objected to and now protest against the 2nd section of said ordinance, so far as the same relates to a formation by our delegates to the congress of the Confederate States of a constitution for a permanent government for said States, deeming it neither expedient or right to clothe said delegates with such unlimited powers as we conceive them to be clothed with by the said 2nd section. By the operation of the previous question we were precluded from raising, at the time of its passage, our objections thereto. We therefore ask the permission of the Convention to spread this protest upon the Journals of the Convention, and that we be allowed with this protest to vote Aye."

Mr. Campbell introduced an ordinance concerning the jurisdiction and property of the United States of America in the State of Texas.[22] Read 1st and 2nd times and referred to the committtee on Frontier Protection.

Mr. Ireland introduced "an ordinance declaring the sense of the Convention on the subject of negro slavery.["]

An Ordinance declaring the sense of this Convention on the subject of negro slavery[23]

Whereas, the State of Texas is about forming a connection with a Government called the "Confederate States of America" And whereas it is of the utmost importance that the true position of Texas should be clearly understood on the subject of negro slavery, therefore be it ordained and declared by the people of Texas in Convention assembled

---

[22] The original draft of this ordinance has not been found.

[23] A. D. S. in Miscellaneous Papers of the Secession Convention.

That the constitution of the "Confederate States of America" should contain, in substance, the following provisions

1st That no State should be admitted a member of said Confederacy that does not have established and recognized the institution of negro slavery

2nd That no State a member of said Confederacy shall ever abolish the institution of negro slavery, and remain a member of said Confederacy without the unanimous consent of all the States.

3rd. That the institution of negro slavery shall be recognized in any Territories, that may now belong to or that may be hereafter acquired and that the citizens of all the States shall be at liberty to take to any such Territories, and shall be protected in the full enjoyment of any property they may take with them, including slaves.

Jno. Ireland.

Read 1st and 2nd times and referred to the committee on Constitution of the Confederate States.

Mr. Maxey introduced an ordinance concerning citizenship. Read 1st and 2nd times and referred to the committee on Citizenship.

Mr. Rogers of Marion introduced an ordinance in relation to the officers and soldiers of the United States army in Texas.

An Ordinance in relation to the Officers and Soldiers of the Army of the United States in Texas[24]

1st. Be it ordained and declared that all now Commissioned Officers and Soldiers of the Army of the United States of America, who were resident in Texas on the 2d day of March 1861, and who have or may hereafter offer their services for that purpose, shall be received into the service of the State, and the same rank secured to them which they held in the service of the United States

2d. Be it further ordained that all Officers and Soldiers who have or may offer their services to this State according to the foregoing sections, are hereby absolved from all obligations whatever to the government of the United States, and are declared to be under and entitled to the protection of the government of the State.

J. H. Rogers.

Read 1st and 2nd times and referred to the committee on Foreign Relations.

Mr. Lea introduced a resolution concerning the Cherokee, Chickasaw, Choctaw and Creek nations, which was referred to the committee on Foreign Relations.

On motion of Mr. Terry of Tarrant, Mr. Johnson of Lamar was added to the committee on Constitution.

---

[24] A. D. S. in Miscellaneous Papers of the Secession Convention.

Mr. Stewart of Gonzales introduced an ordinance relating to the construction of a rail road from San Antonio to the Pacific. Read 1st and 2nd times and referred to the committee on Federal Relations.

Mr. Lea introduced a resolution concerning fugitives from service and from justice. Referred to the committee on Foreign Relations.

On motion of Mr. Nicholson of Fannin, Mr. Todd was added to the committee on Constitution.

On motion of Mr. Cox, Mr. Devine was added to the committee on Citizenship.

On motion of Mr. Anderson of Colorado, Mr: Baxter was added to the committees on Finance and Foreign Relations.

On motion of Mr. Rogers of Harris, Mr. Wilcox was added to the committee on Foreign Relations.

On motion of Mr. Flournoy, Mr. Hall was added to the committee on Constitution.

Mr. Throckmorton presented the credentials of J. H. Wilcox delegate elect from Denton county. Referred to the committee on Credentials and the secretary ordered to enroll his name.

On motion of Mr. Rogers of Harris the Convention went into

Secret Session.

Mr. Rogers of Harris submitted the following report.[25]

"The undersigned appointed a committee to wait on the Governor under a resolution of this Convention, respectfully report that in discharge of the duty assigned them they called upon the Governor in person and handed him a copy of the accompanying letter, together with a copy of the resolution of this body authorizing said appointment. In response your committee have received the accompanying letter from the Governor. All of which is respectfully submitted.[”]

Austin, Texas.
March 5th 1861.[26]

To His Excellency,
Sam. Houston, Governor etc.
Dear Sir:

The undersigned have been appointed a Committee by the Convention of the people of Texas, now in session, to present to your Excellency the accompanying Resolution, passed this day by that body This duty we now most respectfully perform; and will with pleasure be the bearers of any communication your Excellency may wish to make to the Convention in reply.

---

[25] This report and the letters following have been compared with the originals in Miscellaneous Papers of the Secession Convention.

[26] L. S.

With sentiments of esteem and regard, we remain, Your Excellency's obedient servants,

Wm. P. Rogers,
Thos. J. Jennings,
A. S. Broaddus,
J. B. Robertson,
W. A. Montgomery.

Library and Historical Commission
Austin, Texas

Resolved, That a committee of five be appointed to wait upon his Excellency the Governor and inform him that the Convention has reassembled, and that the ordinance of secession has been ratified by the people, and that the State of Texas is and has been, from the 2d of this current month, a free, sovereign and independent State.

Executive Department
Austin Texas March 6/61[27]

Messrs. W. P. Rogers, T. J. Jennings, A. S. Broaddus, J. B. Robertson, and W. A. Montgomery, Committee.

Gentlemen

In reply to your communication of the 5th I can only say, when the Legislature authorized the Convention to submit the proposition to the people of Texas on the subject of Secession from the Federal Government of the United States, it was understood that the performance of that act, when done, would terminate the existence of the Convention. The Executive approved the same with a protest against the shortness of the time allowed, owing to the great limits of our State.

By a subsequent act of the Legislature, it was required that the returns of the votes should be made to the Office of the Secretary of State and counted in the presence of the Governor and Attorney General. The votes were counted and the result declared by Proclamation, that a majority of the votes cast was in favor of Secession.

By an act of the Legislature the Convention was empowered only to submit the question of Secession to a vote of the people. The Convention performed the functions assigned it by the Legislature and in the opinion of the Executive its powers were then exhausted.

The Executive will recommend to the Legislature which is to reassemble on the 18th inst to take into consideration the important issues arising out of the severance of our connection with the United States with such recommendations and suggestions as he may think proper in the discharge of this duty. It will then be within the province of the Legislature to take such action on the subject as it may think proper; and also to call a Convention directly from the people, who will fairly represent their wishes and opinions, and who will have authority to make such changes in the Constitution of the State as her present and future relations to the world at large may require.

---

[27] L. S.

Until then, it will be the duty of the Executive, as well as all State Officers, to continue in the lawful discharge of their functions, confining their action to the sphere of Texas only.

The Executive tenders his respects to the gentlemen of the Convention, and assures you, gentlemen, individually, of his esteem

Sam Houston.

Mr. Graham moved to refer the report to a select committee of ten.

Mr. Stewart of Gonzales offered the following substitute

"Whereas the Convention, having received a communication from his Excellency, Sam Houston, of the 6th inst. through the committee of this body appointed to wait upon and communicate with him, deem it proper to express their dissent from the statements of said communication as to the powers of the Convention, and takes this occasion to declare that this body is the representative of the people in their sovereign capacity, being elected by the sovereign people in accordance with the Bill of Rights, which declares that all power is inherent in the people, and they have an inalienable right to change, abolish, alter or modify their form of Government in such manner as they deem expedient; and the people having duly elected this Convention, and the Legislature having accepted and adopted it, and the people having again responded to its action by a ratification of the ordinance of secession by an unprecedented majority, this Convention will not shirk from the responsibility devolving upon it as a Convention of the sovereign people of this State, clothed with all the power that the people could confer. The Convention regrets the conflict between the Governor and the people, but as in all conflicts between the people and individuals the latter must yield and bow to the sovereignty of the people, and the Convention will accordingly prepare an ordinance suited to the emergency, of which the Governor will be duly notified as soon as the necessary ordinances can be prepared; therefore,

"Resolved further that said communication be laid upon the table and the committee on the Constitution be instructed to prepare and report an ordinance suited to vindicate the majesty of the people.[")]

On motion of Mr. Wharton the substitute was laid on the table.

On motion of Mr. Chilton the injunction of secresy was removed.

On motion of Mr. Dancy the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin Texas, Friday March 8th 1861.

The Convention met pursuant to adjournment. Roll called Quorum present. Prayer by the chaplain.

The President announced the following standing committee on Frontier Protection, viz: Mesrs. Obenchain, Nelson, Cox, Hoyl and Smith of Fannin.

Mr. Stockdale presented the petition of Chas. W. Winn.[28] Referred to the committee of Public Safety.

Mr. Hall presented a communication from George Nathan, business director of the European and Southern direct trading company at New Orleans.[29] Referred to the committee on Public Safety.

On motion of Mr. Maxey, Mr. Shepard was added to the committee on Citizenship.

Mr. Johnson of Lamar presented the petition and muster roll of Capt. Milton Webb's company, the Lamar Cavalry.[30] Referred to the committee on Public Safety.

The President submitted a communication from our delegates at Montgomery, Alabama,[31] in reference to commerce and navigation. On motion of Mr. Shepard referred to the committee on Commerce and Navigation.

The President submitted a letter from Capt. Jno. J. Good.[31] Referred to the committee on Public Safety.

On motion of Mr. Cleveland, secresy was removed from the proceedings of the Convention in relation to all matters concerning the committee on Public Safety.

Mr. Robertson of Smith, chairman of the committee on Public Safety, submitted a report to the Convention from said committee.[32]

"An ordinance to provide for the protection of the Frontier.[”] Read 1st time.

On motion of Mr. Nelson the rules were suspended, the ordinance read the 2nd time and 200 copies of the ordinance and 500 copies of the report ordered to be printed.[33]

Mr. Flournoy, chairman of the committee on the Constitution, made the following report

The committee on the Constitution, to whom was referred the several ordinances introduced relating to "an official oath," have had the same under consideration and have instructed me to report the enclosed ordinances entitled "An ordinance to amend the 1st section of the 7th article of the constitution of the State of Texas," and "An ordinance to provide for the continuance of the existing State government" as substitutes for the proposed ordinances, and recommend their adoption and passage.

---

[28] Charles W. Winn wrote from San Antonio, March 5, asking to be appointed lieutenant in the Texas army. (A. L. S. in Miscellaneous Papers of the Secession Convention.)

[29] Mr. Nathan's communication has not been found.

[30] Capt. Webb's petition and the muster roll have not been found.

[31] This communication has not been found.

[32] "See Appendix to Journal page 262 for full reports of the Committee of Safety, touching all matter acted upon by it, where they appear in regular succession and connected order."

[33] The original draft of the ordinance and report have not been found.

"An ordinance to amend the 1st section of the 7th article of the constitution of the State of Texas.["] Read 1st time.

"An ordinance to provide for the continuance of the existing State government."[34] Read 1st time.

On motion of Mr. Shepard 200 copies of the foregoing ordinances were ordered to be printed.

Mr. Campbell chairman of the committee on Commerce and Navigation made the following report.

The committee on Commerce and Navigation to whom was referred an ordinance entitled "An ordinance relating to commerce" beg leave to report that they have had the same under consideration and inasmuch as a few simple provisions which cannot exist but for a very brief period seem to be necessary they have prepared and now recommend as a substitute for the original bill an ordinance herewith reported, entitled ["]an ordinance in relation to custom house officers and customs revenue"[35] and ask that the same be adopted. Which was read 1st time.

On motion of Mr. Wiley the rules were suspended and the ordinance read a 2nd time.

On motion of Mr. Brown the ordinance was amended by inserting after the word "State" in the 2nd line of the 1st section the following, viz: "including all such as may have resigned in consequence of the anticipated secession of this State from the Federal Union."

The ordinance was then ordered to be engrossed

On motion of Mr. Brown the ordinance was read a 3rd time, under a suspension of the rules, and adopted.

Mr. T. J. Chambers, chairman of the committee on Federal Relations, made the following report.

"The committee on Federal Relations, to whom was referred the communication of the 23d of Feby. from the Hon John Gregg and Wm. B. Ochiltree, two of our members in the congress of the Confederate States of America, have had it under consideration and instruct me to report it back to the Convention and recommend that a copy be furnished to the Secretary for publication in order that the people may be informed of the auspicious prospect of our speedy union with a new government under which our institutions will be cherished, more favorable relations with other nations be established, our hitherto neglected and exposed frontier will be amply and fully protected, and abolitionism and treason suppressed if it should become necessary."

---

[34] The drafts of these ordinances prepared by the committee have not been found.

[35] The ordinance was adopted as introduced, with the amendment by Mr. Brown noted above.

Montgomery Ala
23d Feby 1861[36]

To Hon O M Roberts
President of Texas Convention
Sir

The undersigned take great pleasure in making known through you to the delegates in Convention assembled that the reception given by the Congress of Confederate States now in session at this place to the representatives of the Sovereign People of Texas has been of the most gratifying character. Your delegates were admitted to seats upon the floor of the Congress and invited to freely and unreservedly participate in all the discussions of the body in both open and secret session.

The Government of the Confederate States of America is in full operation. Texas we are satisfied will most heartily approve of the selections made by the Congress of President and Vice President of the Provisional Government. We enclose a copy of the inaugural address of President Davis.[37] It is a document worthy of the primitive days of the Old Republic calculated to nerve the hearts of our friends and to strike terror to the hearts of our oppressors.

The President has appointed the Hon. Robert Toombs of Georgia Secretary of State, C. G. Meminger of S. Carolina Secretary of the Treasury and L. Pope Walker Esq. of Alabama Secretary of War. The Navy, Post Office, and Department of Justice have not been filled.

The Congress have adopted a postal system the only alterations in which from the old system material to be related is that they have established the minimum rate of postage at 5 cents on letters carried five hundred miles, 10 cents on all single letters carried over five hundred miles, all other postages double the present rates, with an entire *abolishment* of the franking privilege. The mail service to be as far as possible in the nature of "Star bids." We are happy to say that if Texas by her vote this day has seceded from the Union of States, that ample provision has been made for the continuous transportation of our mails without the slightest jar.

The Treasury department has been established and will go into immediate operation. All articles of Western produce, provisions of every kind, munitions of war arms etc. are free of duty. A general exemption from the operation of the tariff laws has been extended to the State of Texas. This will be dependent of course upon her action at the ballot box this day. if she refuses to secede of course she can fare no better than other States not embraced in the Confederacy

---

[36] A. L. S. in Miscellaneous Papers of the Secession Convention.

[37] The inaugural address of President Davis is printed in Richardson's *Compilation of the Messages and Papers of the Confederacy*, I, 32-36.

The War department is under the auspices of a gentleman whom we think will pursue a liberal and enlightened course toward our State so vitally interested in the proper management of that department. the peculiar position which has been and is now occupied by Texas with regard to this Government will of course forbid any direct action on the part of the War department until such time as we may have notice of the adoption of the Secession ordinance. We feel assured, however, that so soon as we have that notice that we will have no cause to complain of the administration of the Provisional Government for want of energy in regard to the proper military defense of our State.

The Committee to whom was referred the preparation of a permanent Constitution to be submitted to the States for approval has not yet reported. We can therefore say nothing of its provisions but feel well assured from the tone of the Congress that when put in a shape to be submitted to the people it will be eminently preservative of the great rights which have been so ruthlessly attempted to be seized from us by our former allies.

We will enclose to you by mail copies of as many of the acts of Congress as can be procured.

Truly your ob'dt serv'ts,

John Gregg,
Wm. B. Ochiltree.

On motion of Mr. Jennings the rule was suspended, the report taken up, read and adopted.

Mr. Graham introduced an ordinance in reference to the several ordinances passed by the Convention in relation to federal affairs.[37] Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Shepard introduced "an ordinance to amend the constitution of the State of Texas" Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Rogers of Harris introduced "An ordinance to raise money for the use and defence of the State of Texas.["][37] Read 1st and 2nd times and referred to the committee on Finance.

Mr. Rogers of Harris offered the following resolution which was adopted.

---

[37] The original draft of this ordinance has not been found.

"Resolved that the Secretary be authorized to employ an engrossing and an enrolling clerk."

Mr. Scott, chairman of the committee on Credentials, made the following report.

"The committee on Credentials, to whom was referred the certificate of the election of J. H. Wilcox as a delegate from the county of Denton, have had the same under consideration and find it regular, and that the said J. H. Wilcox is entitled to a seat in this Convention."

Read and adopted.

Mr. Roberts (President) offered the following resolution.

"Whereas a letter bearing date March the 6th, 1861, has been read before this Convention, written by the Executive of the State, addressed to a committee of this body, calling in question the power of this Convention to do more than submit the ordinance of secession to the people of Texas for their ratification or rejection, and whereas it is important that there should be no misunderstanding upon this subject, therefore,

"Resolved that this Convention do now declare that it not only had power to pass and submit the ordinance of secession, but that also it possesses and will exercise the right, on behalf of the people of Texas, to do whatever may be incidental to the same, and that may be necessary and proper for the protection of the rights of the people and the defence of the State in the present emergency, and that it will as speedily as practicable consummate the connection of Texas with the provisional government of the Confederate States of America, whose constitution has already been ratified by an ordinance of this Convention

"Resolved further that this resolution be communicated by the Secretary of this Convention to the respective Departments of the State Government"

Adopted unanimously by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Baxter, Bagby, Brahan, Beazley, Box, Black, Blythe, Broaddus, Brown, Burditt, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davenport, Davidson, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Henderson, Hicks, Hill, Hobby, Hogg, Hooker, Howard, Hoyt, Hughes, Hunt, Hutcheson, Ireland, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson and Wright, 126.

On motion of Mr. Maxey the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin, Texas, Saturday, March 9th/61.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journals of the preceding sessions, not heretofore acted upon, were read and adopted.

By leave Mr. Hicks was allowed to record his vote in favor of the adoption of the ordinance in relation to the union of the State of Texas with the Confederate States of America and in favor of the resolution offered by Mr. Roberts on yesterday declaring the sense of this Convention as to its powers and duties, in response to the communication of the Executive of the State to the committee of the Convention.

Mr. Hicks presented the credentials of J. S. Holland delegate elect from the county of Jasper, which were referred to the committee on Credentials and the Secretary ordered to enroll his name.

The President submitted the following communication from the Hon. Geo. Williamson, commissioner from the State of Louisiana to the State of Texas and the accompanying correspondence which occurred during the recess of the Convention, viz:

City of Austin. Feby 11th 1861.

Dear Sir.

The Convention of which you have the honor to be President having adjourned to meet on a day too distant to permit my awaiting its re-assemblage. I beg leave to ask you to lay before that honorable body at its next session the accompanying credentials, ordinances and official communication. I trust that the views contained in the last may not be deemed intrusive. Allow me to assure you personally of my profound respect and regard Your obdt. servt.

Geo. Williamson,
Comr of the State of Louisiana.

To the Hon. O. M. Roberts,
President of the convention of the people of Texas.

Mr. President and Gentlemen of the Convention of the people of Texas.

I have the honor to address you as the commissioner of the people of Louisiana, accredited to your honorable body. With this communication, by the favor of your presiding officer, will be laid before you my credentials, the ordinance of secession, a resolution in regard to the Mississippi river and the ordinance to provide for the appointment of delegates to a convention to form a Southern Confederacy. These ordinances and the resolution were adopted at their respective dates by the people of Louisiana in convention assembled, after serious debate and calm reflection.

Being desirous of obtaining the concurrence of the people of Texas in what she has done, Louisiana invites you to a candid consideration of her acts in resuming the powers delegated to the government of the late United States, and in providing for the formation of a confederacy of "The States which have seceded and may secede." The archives of the Federal Government bear ample testimony to the loyalty of Louisiana to the American Union. Her conservatism has been proverbial in political circles. The character and pursuits of her people, her immense agricultural wealth, her large banking capital, her possession of the great commercial metropolis of the South, whose varied trade almost rivals that of the city of "ten thousand masts" present facts sufficient to make "assurance doubly sure" she did not take these grave steps for light or transient causes. She was impelled to this action to preserve her honor, her safety, her property and the free institutions so sacred to her people. She believed the federal agent had betrayed her trust, had become the facile instrument of a hostile people, and was usurping despotic powers. She considered that the present vacillating executive, on the 4th of March next, would be supplanted by a stalwart fanatic of the Northwest, whose energetic will, backed by the frenzied bigotry of unpatriotic masses, would cause him to *establish* the military despotism already inaugurated.

The people of Louisiana were unwilling to endanger their liberties and property by submission to the despotism of a single tyrant, or the canting tyranny of pharisaical majorities. Insulted by the denial of her constitutional equality by the non-slave-holding States, outraged by their contemptuous rejection of proffered compromises, and convinced that she was illustrating the capacity of her people for self-government by withdrawing from a union that had failed, without fault of hers, to accomplish its purposes, she declared herself a free and independent State on the 26th day of January last. History affords no example of a people who changed their government for more just or substantial reasons. Louisiana looks to the formation of a Southern confederacy to preserve the blessings of African slavery, and of the free institutions of the founders of the Federal Union, bequeathed to their posterity. As her neighbor and sister State, she desires the hearty co-operation of Texas in the formation of a Southern Confederacy. She congratulates herself on the recent disposition evinced by your honorable body to meet this wish, by the election of delegates to the Montgomery convention. Louisiana and Texas have the same language, laws and institutions. They grow the same great staples—sugar and cotton. Between the citizens of each exists the most cordial social and commercial intercourse. The Red river and the Sabine form common highways for the transportation of their produce to the markets of the world. Texas affords to the commerce of Louisiana a large portion of her products, and in exchange the banks of New Orleans furnish Texas with her only paper circulating medium. Louisiana supplies to Texas a market for her surplus wheat, grain and stock; both States have large areas of fertile, uncultivated lands, peculiarly adapted to slave labor; and they are both so deeply interested in African slavery that it may be said to be absolutely necessary to their existence, and is the keystone to the arch of their prosperity. Each of the States has an extended Gulf coast, and must look with equal solicitude to its protection now, and the acquisition of the entire control of the Gulf of Mexico in due time. No two States of this confederacy are so identified in interest, and whose destinies are so closely interwoven with each other. Nature, sympathy and unity of interest make them almost one. Recognizing these facts, but still confident in her own powers to maintain a separate existence, Louisiana regards with great concern the vote of the people of Texas on the ratification of the ordinance of secession, adopted by your honorable body on the 1st of the present month. She is confident a people who so nobly and gallantly achieved their liberties under such unparalled difficulties will not falter in maintaining them now. The Mexican yoke could not have been more galling to "the army of heroes" of '36 than the Black republican rule would be to the survivors and sons of that army at the present day.

The people of Louisiana would consider it a most fatal blow to African slavery, if Texas either did not secede or having seceded should not join her destinies to theirs in a Southern Confederacy. If she remains in the union the abolitionists would continue their work of incendiarism and murder. Emigrant aid societies would arm with Sharp's rifles predatory bands to infest her northern borders. The Federal Government would mock at her calamity in accepting the recent bribes in the army bill and Pacific railroad bill, and with abolition treachery would leave her unprotected frontier to the murderous inroads of hostile savages. Experience justifies these expectations. A professedly friendly federal administration gave Texas no substantial protection against the Indians or abolitionists, and what must she look for from an administration avowedly inimical and supported by no vote within her borders. Promises won from the timid and faithless are poor hostages of good faith. As a separate republic, Louisiana remembers too well the whisperings of European diplomacy for the abolition of slavery in the times of annexation not to be apprehensive of bolder demonstrations from the same quarter and the North in this country. The people of the slave-holding States are bound together by the same necessity and determination to preserve African slavery. The isolation of any one of them from the others would make her the theatre for abolition emisaries from the North and from Europe. Her existence would be one of constant peril to herself and of imminent danger to other neighboring slave-holding communities. A decent respect for the opinions and interests of the Gulf States seems to indicate that Texas should co-operate with them. I am authorized to say to your honorable body that Louisiana does not expect any beneficial result from the peace conference now assembled at Washington. She is unwilling that her action should depend on the border States. Her interests are identical with Texas and the seceding States. With them she will at present co-operate, hoping and believing in his own good time God will awaken the people of the border States to the vanity of asking for, or depending upon, guarantees or compromises wrung from a people whose consciences are too sublimated to be bound by that sacred compact, the constitution the of the late United States. That constitution the Southern States have never violated, and taking it as the basis of our new government we hope to form a slave-holding confederacy that will secure to us and our remotest posterity the great blessings its authors designed in the Federal Union. With the social balance wheel of slavery to regulate its machinery, we may fondly indulge the hope that our Southern government will be perpetual.

Geo. Williamson
Commissioner of the State of Louisiana.

City of Austin Feby 11th 1861.

Austin Feby 11th 1861.

Col. Geo. Williamson, Comr. etc.
Dear Sir.

I have received your communication as commissioner from the

State of Louisiana and will submit it, together with the ordinances and other documents accompanying it, to the Convention of the people of the State of Texas, when it shall reconvene at this place on the 2nd day of March next. I feel warranted in saying that this manifestation of friendship on the part of your State, so happily communicated through you, will be fully appreciated by the Convention and by the people of the State whom its members represent.

With great respect,
O. M. Roberts
President of the Convention.

Mr. Davidson presented a communication from Lieut. McNeil, late of the United States army requesting service from the State of Texas.[38] Referred to the committee on Foreign Relations.

The President submitted a communication from F. Voigt, orderly sergeant of the Nacogdoches Riflemen[39] Referred to the committee on Public Safety.

Mr. Stockdale presented a communication from and tendering the services of Lieut. J. P. Major late U. S. A. to the State of Texas[40] Referred to the committee on Foreign Relations.

The President submitted a communication from E. F. Gray, asking service in the navy.[41] Referred to the committee on Public Safety.

Mr. Rogers of Harris presented a communication from Dr. Jas. Walker tendering his services to the medical department of the army[42] Referred to the committee on Foreign Relations.

Mr. Brown moved that the standing rule of the Convention be so altered as to refer all communications tendering services to the State to the committee on Public Safety without reading.

Laid over one day under the rule.

Mr. Rogers of Marion tendered the services of Lieut. Stevens, late U. S. N. to the State.[43] Referred to the committee on Foreign Relations.

---

[38] H. C. McNeill wrote from Tecolote, N. Mex., March 2nd, and addressed his letter to Governor Sam Houston. He had heard of the passage of the ordinance of secession by the Convention, and offered to resign to accept service from Texas as soon as the ordinance was adopted. (A. L. S. in Miscellaneous Papers of the Secession Convention.)

[39] Mr. Voigt wrote from Nacogdoches, March 2d, stating that the "Nacogdoches Riflemen" had organized, but were without arms. He requests arms for sixty. (L. S. in Miscl. Papers of the Secession Convention.)

[40] The communication from J. P. Major has not been found.

[41] Mr. Gray wrote from Houston, March 5, "Having served in the Naval service of the late Republic of Texas, and also in that of the late United States, I hasten to offer you my services for a Captaincy in the Navy of the State of Texas." (A. L. S. in Miscl. Papers of the Secession Convention.)

[42] Dr. James Walker lived at Hallettsville; he had been a student at West Point for three years. (D. S. in Miscl. Papers of the Secession Convention.)

[43] No communication from Lieut. Stevens has been found.

On motion of Mr. Terry of Tarrant, Mr. Throckmorton was added to the committee on Finance.

On motion of Mr. Locke, Mr. Montel and Mr. Walworth were added to the committee on Frontier Protection.

On motion of Mr. Devine, Mr. Portis was added to the committee on Constitution.

On motion of Mr. Norris, Mr. Shepard was added to the same committee.

On motion of Mr. Jennings, Mesrs. Hays and Hicks were added to the same committee.

On motion of Mr. Portis, Mr. Jennings was added to the committee on Citizenship.

On motion of Mr. Scott, Mr. Warren was added to the committee on Finance and the committee on Business.

Mr. Stell chairman of the committee on Business made the following report.

"The committee on Business to which was referred 'An ordinance relative to the enrolling, publishing and preserving the ordinances of the Convention,' report a substitute for the same and ask that the same be adopted.[44] The committee would further recommend the rejection of the resolution upon postal affairs heretofore referred to it.["]

The ordinance was read the 1st time.

Mr. Wharton introduced an ordinance to purchase 1000 Colt's revolvers and 1000 Morse's rifles.

Read 1st time

An ordinance to purchase one thousand Colts revolvers and one thousand Morse rifles to be used for Frontier protection.[45]

We the people of the State of Texas in Convention assembled do declare and ordain, and it is hereby declared and ordained, That Major Ben McCulloch be and he is hereby appointed Commissioner to purchase for the State of Texas one thousand Colts revolvers and one thousand Morse rifles: And he is hereby authorised and empowered to pledge the faith of the State of Texas for the fulfillment of any contract or contracts he may enter into in pursuance to this ordinance; provided however that the purchase money for said arms shall not be made payable until the first of June A D 1861.

On motion of Mr. Wilcox of Bexar, the rule was suspended, the ordinance taken up and read a 2nd time

---

[44] The ordinance "to provide for the enrollment," etc., was adopted with but slight amendment.

[45] MS. in Miscellaneous Papers of the Secession Convention.

On motion of Mr. Stockdale the ordinance was amended by adding "And further provided the amount to be paid shall be no more that the market value with interest for these weapons"

On motion of Mr. Wharton the ordinance was amended by inserting after the words "Morse's rifles" the words "with the necessary cartridges and accoutrements."

On motion of Mr. Cleveland the ordinance was further amended by inserting after the amendment of Mr. Wharton just adopted, the words "or a like number of such other weapons of similar character as he may approve and as can be obtained."

Mr. Henderson moved to refer the ordinance as amended to the committee on Public Safety. Lost.

Mr. Stapp moved to refer it to the committee on Frontier Protection.

On motion of Mr. Wm. Chambers that motion was laid on the table.

On motion of Mr. Campbell the ordinance was further amended by inserting after the word "purchase" the words "or otherwise obtain."

On motion of Mr. Graham the ordinance was further amended by striking out the caption, and inserting in lieu thereof the following "An ordinance to authorize the purchase of arms for the use of the State."

On motion of Mr. Stewart of Gonzales the ordinance was further amended by striking out "June 1st" and inserting in lieu thereof "August 1st."

Mr. Stewart moved to refer the ordinance as amended to the committee on Public Safety.

On motion of Mr. Wharton laid on the table.

The ordinance was then ordered to be engrossed.

On motion of Mr. Wharton the rule was suspended by the following vote.

Yeas, Mesrs. Adams, Allen, Armstrong, Askew, Baxter, Bagby, Beazley, Box, Burditt, Black, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy. Davidson, Devine, Dunham, Earley, Feeney, Flournoy, Gould, Graham of Rusk, Hardeman, Hayes, Henry, Hill, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hughes, Hunt, Jennings, Johnson of Lamar, Jones, Koester, Lea, Lester, Locke, Lubbock, Maltby, Mattox, Maxey, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas; Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Portis, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Washington, Ross, Rugeley, Runnels, Russell, Shuford, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Walworth, Watkins, Wharton, Wilcox of Bexar, Wilcox of Denton and Wright, 107.

Nays, Mesrs. Blythe, Broaddus, Davenport, Ford of Caldwell, Hall, Henderson, Hicks, Hutcheson, Kelly, Lesueur, Montgomery, Palmer, Peck, Poag, Rogers of Harris, Rogers of Marion, Scott, Warren, Wier, Wiley and Wilson, 20.

The ordinance was read a 3rd time and adopted.

Mr. T. J. Chambers offered the following resolution which was adopted.

"Resolved by the Convention of the people of Texas that the Adjutant General of this State be and he is hereby required to furnish to this Convention as soon as practicable, in his complex character of adjutant general, quartermaster general, commissary general and ordnance officer a full and complete statement of the military condition of the State and its preparation for defence in case of hostility from any quarter; the number of organizing officers; their rank and names; the number of commissioned and non commissioned officers, their ranks and names; the number of men enrolled and ready for duty; the quantity of army supplies; of arms of every description, their character and quality and where to be found; and the number of arms their quality and character which have been received from the late United States government, under the acts of congress making an annual appropriation for the purchase of arms for the use of the States; and if none such have been furnished by that government to this State, then let the reasons for the failure, if known, be furnished to this Convention.

"Be it further resolved that this order be immediately communicated to the Adjt. General by the Secretary of this Convention.[")]

On motion of Mr. Campbell the rule was suspended and the report of the committee on business recommending the adoption of "An ordinance to provide for the enrollment, publication and preservation of the ordinances of the Convention," and the rejection of a resolution on the subject of "postal affairs." was taken up, read and adopted.

And the ordinance read a 2nd time.

On motion of Mr. Jennings the ordinance was amended by striking out "15" and inserting "20" days in lieu thereof, as the time within which to receive proposals for the printing etc.

The ordinance was then ordered to be engrossed.

Rule suspended, ordinance read a 3rd time and adopted.

Mr. Portis submitted the following communication.

Fort Inge, Texas,
Feby. 26, 1861.

Sir,

I have the honor to report that after retreat of the 25th inst. two citizens of Uvalde represented to me that a body of 15 or 20 Indians had that day passed by Mr. Adams' ranch on the Nueces, some fifteen miles from this post, driving in the occupants of the ranch, and supposed to have killed Messrs. Henry Adams and Henry Robinson, two worthy and well known citizens.

I was begged for assistance and under the circumstances could not refuse it, notwithstanding I was under orders from Genl. Twiggs, Comdg. Dept. of Texas, to evacuate my post and march with my command to the coast en route to leave the soil of Texas.

I accordingly detailed Lt. A. K. Arnold in command of a sergeant and fifteen picked men and horses, accompanied by the post guide, to proceed to the spot to render such assistance as was in his power and to pursue and chastise the Indians. The scouting party got off at 8:45 P. M., and would reach the ranch and be ready to take up the trail long before daylight the next morning. Enclosed please find field return of the scouting party.

The report of the citizens has proved to be too true, and the fears of the community too well grounded. The worst had not been reported to me last evening. This morning, Mary, a daughter of Mr. Kelsey, who was living at or near Mr. Adams' ranch, was brought in with a number of arrow and lance wounds and her head scalped. She had been left for dead by the Indians. She is now under the treatment of Asst. Surgeon, R. L. Brodie, U. S. A. her recovery is still doubtful. A son of Mr. Robinson was wounded in the arm. Nothing has been yet heard from Mesrs. Henry Adams and Henry Robinson, but it is to be hoped that they succeeded in reaching Camp Wood for which place they started in the morning.

A panic has been created, and unless the regular troops are relieved by a suitable force to defend this frontier the people must abandon their homes and property and fall back upon the more thickly settled portion of the State.

I am, Sir, very respectfully,

James Oakes,
Capt. 2nd Cavalry, Comdg. Post.

To Asst. Adjt. General, U. S. Army.
Head Qrs., Dept. of Texas, San Antonio, Texas.

P. S. Feby. 28th. Since writing above, the bodies of Messrs. Adams and Robinson have been found, both scalped and their hearts cut out, etc.

J. Oakes.

Mr. Portis offered the following resolution which was adopted unanimously.

Whereas this Convention is informed that Capt. James Oakes, commanding Fort Inge in Texas, after he had received the order of Genl. Twiggs, commanding the Dept. of Texas, "to evacuate his post and march with his command to the coast 'en route' " to leave the State of Texas, received information that a body of 15 or 20 Indians had on the 25th day of Feby 1861 killed and scalped three citizens of Texas, two men and a woman, and that the settlers in that neighborhood were in great distress and alarm, Capt. Oakes, prompted by the greatest humanity and the chivalry of the true soldier, ordered Lieut. Arnold with a sergeant and 15 picked men and horses to the relief of the settlers, and to pursue and chastise the Indians, therefore

Resolved that Capt. James Oakes of the 2nd U. S. Cavalry, late commanding post of Fort Inge in Texas did, as mentioned in the foregoing preamble, perform a most noble and praisworthy act and for so doing is entitled to the heartful thanks and lasting gratitude of the whole people of Texas.

Resolved further that a copy of this preamble and resolutions be enrolled on parchment, signed by the President and Secretary of this Convention and forwarded to Capt. Oakes.

Mr. Scurry moved that the rules be suspended and the ordinance to provide for the protection of the frontier of the State of Texas be taken up. Carried.

An ordinance to provide for the protection of the frontier of the State of Texas read 2nd time.

Mr. Chilton moved to amend by striking out in the 6th line of the 1st section the word "commission," and by striking out in the 7th and 8th lines all after the words "Elected by the men."

On motion of Mr. Montgomery, laid on the table.

On motion of Mr. Maxey the Convention adjourned until 3 o'clock P. M.

City of Austin Texas.
Saturday, March 9/61 3 o'clock P. M.

The Convention met. Roll called. Quorum present.

The ordinance to provide for the protection of the frontier of the State of Texas, being under consideration when the Convention adjourned, was read.

Mr. Nicholson of Fannin moved to amend by striking out in the

7th line of the 1st section the word "company" and inserting in lieu thereof the word "regiment"

On motion of Mr. Hicks the further consideration of the ordinance was postponed until Monday next at 11 o'clock A. M. and made the special order for that hour.

Mr. Cleveland moved to suspend the rule in order to take up the ordinance respecting public property. Carried.

The ordinance was read a 2nd time.

Mr. Locke moved to amend by inserting the words "delegates of" before the word "people" in the 1st line of the 1st section.

On motion of Mr. Anderson of Colorado laid on the table.

The ordinance was then ordered to be engrossed.

On motion of Mr. Scott, the rule was suspended, the ordinance read a 3rd time and adopted.

Mr. Throckmorton offered the following resolution which was referred to the committee on Finance.

"Resolved that the committee on Finance report an ordinance to provide for the sale of all the unsold University lands, and also to provide that the proceeds of the sales thereof shall be used for the liquidation of the present indebtedness of the State, and that the same shall be subject to such appropriation without becoming a charge against the State for University purposes."

Mr. Locke offered the following resolution which was adopted.

"Resolved that the committee on Public Safety, appointed by this Convention, is entitled to the sincere thanks and confidence of this Convention and the gratitude and regard of the people of the State of Texas for their patriotic, self sacrificing, prudent and efficient services rendered this State during the sessions and in the interim between the sessions of the Convention."

Mr. Moore of Burnet offered the following resolution.

"Whereas there are some two and a quarter millions of the public domain of the State which is set apart to the several counties as school lands, and whereas the present inhabitants of the State can derive no benefit whatever from this munificent donation in consequence of constitutional restrictions, and whereas the State requires the use of all her available resources for the present emergency in fostering her independence and in affording that protection to her citizens which is absolutely required; be it therefore,

"Resolved, That the committee on the Constitution be required to inquire into the expediency of reporting an ordinance to remove the said constitutional restrictions which prevent the disposal of the said lands, and that said committee report upon the same by ordinance or otherwise."

Mr. Throckmorton offered the following as a substitute.

"Resolved that the committee on the Constitution report an amendment to the 3rd Section of the 10th Article of the constitution to provide for the sale of the four leagues of school lands belonging to each county in the State, so that the same may be made available to the common school fund of the respective counties."

On motion of Mr. Portis referred to the committee on the Constitution.

Mr. Locke offered the following resolution, which was adopted.

"Resolved that the President of this Convention appoint a committee of five on Engrossed Bills."

Mr. Wharton offered the following resolution which was adopted.

"Resolved that Mesrs. Devine, Robertson of Smith and Rogers of Marion be appointed a committee to superintend the printing of the reports from the committee of Public Safety submitted on yesterday, of which 500 copies were ordered to be printed.[."]

Mr. Hall introduced an ordinance in relation to the district and justices courts of this State. Read 1st and 2nd times and referred to the committee on Constitution.

Mr. Nelson offered the following resolution which was adopted unanimously.

"Resolved that the thanks of the people of Texas are due and are hereby tendered to Maj. Genl. David E. Twiggs, late of the United States army, for his patriotism, moral courage, loyalty to the constitution of the United States embracing the rights and liberty of his native South, and that a copy of this resolution be enrolled on parchment and signed by the President and Secretary and transmitted to General Twiggs.["]

Mr. Graham of Rusk offered the following resolution, which was adopted.

"Resolved that the committee on Public Safety be requested and instructed to report as soon as practicable an ordinance providing for the distribution of the arms and munitions of war which may be procured hereafter or which may now be in possession of the authorities of the State, or subject to the control of this Convention."

On motion of Mr. Dancy the Convention adjourned until 10 o'clock, Monday morning.

City of Austin, Texas,
Monday, March 11th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journal of Saturday was read and adopted.

Mr. Campbell presented the credentials of George Mason, delegate elect from the county of Galveston vice Mr. Muller resigned. Referred to the committee on Credentials and the Secretary ordered to correct the roll accordingly.

On motion of Mr. Brown, Mr. McCall, the delegate elect from the county of Erath and others, was admitted to his seat in the Convention, the Secretary ordered to enroll his name and the evidences of his election referred to the committee on Credentials.

Mr. Howard presented the petition of J. D. Hollyday.[46] Referred to the committee on Public Safety.

The President submitted a communication from Ben McCulloch, resigning the commission conferred upon him by the committee of Public Safety during the recess of the Convention[47] Referred to the committee on Public Safety.

Also. a communication from Genl. Sidney Sherman[48] referred to the same committee.

Also a communication from N. B. McDonald and others tendering the services of two military companies from the county of Ellis[49] Referred to the same committee.

Mr. Stockdale presented the memorial of Jno. M. Bronaugh,[50] and the memorial of T. C. Williams.[51] Referred to the committee on Foreign Relations.

The President appointed the following standing committee on Engrossments: Mesrs. Locke, Payne of Hopkins, Wm. Chambers, Moore of Burnet and Smith of Bexar.

Mr. Robertson of Smith, chairman of the committee of Public Safety made a report relative to the "Henry Dodge"[52] etc.

The hour having arrived for the special order the Convention pro-ceded to the consideration of "the ordinance to provide for the protection of the frontier of the State of Texas."

---

[46] J. D. Holliday wrote from Fort Stockton, March 2d, stating that the withdrawal of the United States troops from that fort had left a large quantity of government stores including 180 head of cattle without protection. To protect this property as well as his own, he asks to be appointed captain. (A. L. S. in Miscl. Papers of the Secession Convention.)

[47] Letter from Ben McCulloch has not been found.

[48] Letter from Sidney Sherman has not been found.

[49] A. B. McDonald with nine others signed a letter, dated Waxahachie, March 6th, in which they stated: "There are two military companies in this county. One Infantry and one Cavalry, who have been drilling for some time. Many of the members of said companys are willing to tender their services to the State in case they can get arms. Please, inform us whether or not the State is prepared to arm her Companies; and if so, what is necessary on the part of those wishing to get arms." (L. S. in Miscl. Papers of the Secession Convention.)

[50] John M. Bronaugh, a citizen of Jackson county, recites his service in the Mexican War, and tenders his services to the State. (A. L. S. in Miscl. Papers in the Secession Convention.)

[51] Communication from T. G. Williams has not been found.

[52] See report No. 7 of the Committee on Public Safety, page 389.

On motion of Mr. Montgomery the amendment offered by Mr. Nicholson of Fannin was laid on the table.

Mr. T. J. Chambers offered "an ordinance for the protection of the State of Texas" as a substitute.

Mr. Rogers of Marion offered an ordinance providing a military organization for the State of Texas as a substitute for both.

On motion of Mr. Rogers of Harris the original ordinance, with the substitutes, was referred to the committee on Public Safety; with instructions to report at as early a day as practicable an ordinance in conformity with the law passed by the provisional congress of the Confederate States of America.

Mr. Graham introduced "an ordinance to provide for the immediate protection of the frontier of the State of Texas["] Read 1st time

On motion of Mr. Graham the rule was suspended and the ordinance read a 2nd time.

On motion of Mr. Brown the ordinance was referred to the committee on Public Safety.

Mr. Shepard offered the following resolution which was adopted.

"Resolved that the committee on Public Safety consider in connection with 'the ordinance to provide for the protection of the frontier of the State of Texas,' and the substitute proposed for the same, this day referred to them, the propriety of authorizing some person at Sabine Pass, Galveston, Pass Caballo, Aransas Pass, and Brazos Santiago to employ laborers to construct sand forts under the direction of competent officers at each of said passes."

Mr. Portis offered the following resolution which was adopted.

"Whereas Col. Waite, late commanding the Department of Texas, has protested against the seizure of the public funds of the United States at San Antonio, and whereas it is the deliberate judgement of this Convention that there is no distinction between the seizure of arms, munitious of war, and the public funds of the United States, therefore,

"Resolved that the Commissioners acting in behalf and under the direction of the committee of Public Safety of this Convention have rightfully and properly performed the duty assigned them by seizing the public funds of the United States in the city of San Antonio, and that this Convention fully approve of the action of the Commissioners in the premises."

Mr. Henderson offered the following resolution.

"Resolved that it is the sense of this Convention that such changes should be made in our State constitution and laws as should be made in order to fit our government for the condition of separation from the United States, and our connection with the Confederate States of America and to provide for the defence and safety of the State and its citizens.''

On motion of Mr. Henderson the resolution was amended by inserting between the words ''that'' and ''such'' the word ''only.''

Mr. Hicks moved the indefinite postponement of the resolution.

Mr. Chilton moved the previous question, which was ordered, and the resolution was adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Askew, Bagby, Batte, Baxter, Beazley, Box, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Devine, Dunham, Earley, Feeney, Flournoy, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Henderson, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hughes, Hunt, Jennings, Jones, Koester, Lesueur, Lester, Locke, Lubbock, Mason, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Fannin, Obenchain, Palmer, Peck, Poag, Prendergast, Preston, Rainey, Robertson of Bell, Robertson of Smith, Rogers of Harris, Rogers of Marion, Ross, Russell, Scott, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Walworth, Warren, Watkins, Wier, Wilcox of Bexar, Wilson and Word, 109.

Nays, Mesrs. Anderson of Colorado, Armstrong, Davidson, Dean, Fall, Hicks, Johnson of Lamar, Kelly, Lea, Maltby, McCall, Norris, Portis, Rhome, Robertson of Washington, Shuford, Scurry, Throckmorton, Todd, Waller, Wharton, Wilcox of Denton, Wiley and Wright, 24.

Mr. Jennings moved a reconsideration of the vote just taken

Mr. Henderson moved to lay that motion on the table.

Mr. Portis moved to adjourn until tomorrow morning at 10 o'clock. Lost.

On motion of Mr. Baxter the Convention adjourned until 7 o'clock this evening.

Monday, March 11th/61. 7 o'clock P. M.

The Convention met. Roll called. quorum present.

The motion of Mr. Henderson, to lay upon the table the motion of Mr. Jennings to reconsider the vote adopting the resolution offered by

Mr. Henderson this morning, pending when the Convention adjourned, was lost by the following vote.

Yeas, Mesrs. Adams, Allen, Beazley, Black, Broaddus, Chisum, Clayton, Cleveland, Coke, Cook, Cox, Dunham, Feeney, Gould, Graham of Rusk, Henry, Henderson, Hill, Hobby, Hooker, Howard, Hutcheson, Locke, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Fayette, Moore of Henderson, Nash of Dallas, Neel, Nelson, Newsom, Nicholson of Fannin, Peck, Prendergast, Robertson of Bell, Rogers of Harris, Stewart of Falls, Terry of Tarrant, Walworth, Wier, Wilcox of Bexar, Wilson and Word, 47.

Nays, Mesrs. President, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Black, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers Chambers of Red River, Chambers of Titus, Chilton, Clarke, Clopton, Dancy, Davenport, Davidson, Dean, Devine, Earley, Ford of Caldwell, Green, Hall, Hardeman, Hays, Hicks, Hogg, Holland, Hoyle, Hunt, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Lubbock, Luckett, Maltby, Mason, McCall, Moore of Burnet, Montel, Moss, Nash of Kaufman, Nauendorf, Nicholson of Dallas, Norris, Palmer, Payne of Hopkins, Poag, Portis, Preston, Rainey, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Runnels, Russell, Scott, Shuford, Scurry, Shepard, Smith of Bexar, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Thompson, Throckmorton, Todd, Waller, Warren, Watkins, Wharton, Wilcox of Denton, Wiley and Wright, 88.

On motion of Mr. Rainey the previous question was ordered, and the motion of Mr. Jennings to reconsider the vote adopting the resolution prevailed.

Mr. Rainey offered the following as a substitute.

"Resolved that the Convention represents the sovereignty of the people of Texas and in said capacity may alter, modify and reform the existing State government, but deem it unwise to make any changes in our State constitution and the laws made in pursuance thereof, except those that may be necessary to absolve the State of Texas from all obligation to the late government of the United States, to secure the annexation of said State to the Confederate States of America, to secure the conformance of the State government to the action of this Convention in the premises, and to provide for the defence and safety of the State.["]

Mr. Hicks moved the indefinite postponement of the resolution and substitute,

Upon which motion Mr. Stockdale moved the previous question, which was ordered, and the resolution and substitute were postponed by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Bagby, Batte, Baxter, Box, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clarke, Clopton, Coke, Cook, Dancy, Davenport, Davidson, Dean, Devine, Earley, Ford of Caldwell, Graham of Rusk, Green, Hall, Hardeman, Hicks, Hobby, Holland, Hoyle, Hunt, Jones, Kelly, Koester, Lesueur, Lea, Lubbock, Luckett, Maltby, Mason, Mattox, Maxey, McCall, Moore of Burnet, Moore of Henderson, Moss, Nicholson of Dallas, Norris, Obenchain, Payne of Hopkins, Poag, Portis, Preston, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Runnels, Scott, Shuford, Scurry, Shepard, Smith of Bexar, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wilcox of Denton, Wiley, Word and Wright, 89.

Nays, Mesrs. Allen, Askew, Beazley, Black, Broaddus, Clayton, Cleveland, Cox, Dunham, Feeney, Gould, Hays, Henry, Henderson, Hill, Hogg, Hooker, Hutcheson, Jennings, Lester, Locke, McCraw, McIntosh, Miller, Montgomery, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Fannin, Palmer, Peck, Prendergast, Rainey, Robertson of Bell, Rogers of Harris, Russell, Stewart of Falls, Wier, Wilcox of Bexar, and Wilson, 45.

On motion of Mr. Campbell, Mr. Mason was added to the committees on Constitution and on Citizenship.

By leave Mr. Chilton changed his vote on the resolution offered by Mr. Henderson this morning.

By leave Mr. Ford of Caldwell changed his vote against the resolution.

The President submitted a communication from A. C. Horton, tendering the services of a company.[53] Referred to the committee on public Safety.

Mr. Robertson of Smith chairman of the committee on Public Safety made a report.[54]

An ordinance to appoint a quartermaster general and commissary, read 1st time.

---

[53] Mr. A. Horton, not A. C. Horton, wrote from San Augustine, February 25th, "I have this day completed the organization of 120 men, ready for cavalry service, except arms. The company passed resolutions adopting Sharp's Rifles, Colt's Navy Six Shooters and Broad Swords for arms, and requesting that the same be furnished the company." (L. S. in Miscl. Papers of the Secession Convention.)

[54] Probably Report No. 8 of the Committee on Public Safety, printed on page 396.

On motion of Mr. Devine the rule was suspended, the ordinance taken up and read a 2nd time.

On motion of Mr. Stockdale the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin Texas.
Tuesday, March 12th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journal of yesterday was read and adopted.

On motion of Mr. Montel, Mr. Scurry was added to the committee on Citizenship.

On motion of Mr. Stewart of Anderson, Mr. Word was added to the committees on Constitution and on Finance.

On motion of Mr. Wright, Mr. Wilcox of Denton was added to the committee on Frontier Protection.

On motion of Mr. Moore of Burnet, Mr. McCraw was added to the committee on Frontier Protection.

On motion of Mr. Coke, Mr. Prendergast was added to the committee on Constitution.

On motion of Mr. Poag, Mr. Adams was added to the same committee.

Mr. Prendergast submitted a communication from W. T. Mechling.[55] Referred to the committee on Foreign Relations.

Also a communication from L. C. Harby,[56] referred to the same committee.

Also a communication from Capt. Walker of Lavacca. Referred to the committee on Public Safety.

On motion of Mr. Robertson of Bell, Mr. Wright was added to the committee on Postal Affairs.

Mr. Rogers of Harris, chairman of the committee on Foreign Relations, reported "an ordinance accepting the services of such of the officers of the late army of the United States as have resigned and offered their services to the State of Texas," and recommended its passage.

---

[55] W. T. Mechling wrote from San Antonio, March 4th, tendering his services to the State. "I am a graduate of West Point and since 1848 a citizen of this State and am now holding the appointment and doing the duty of Assistant Adjutant General to Col Ben McCulloch commanding this Division of the State." (A. L. S. in Miscl. papers of the Secession Convention.)

[56] Levy C. Harby wrote from Galveston, February 25th, "As a Southern man I could not conscientiously hold office under the Federal Government and on the 10th of January resigned my commission. I now beg leave to tender to Texas my services as a naval officer, having been in 1836 her first commissioned Captain under the Provisional government, serving both ashore and afloat . . . I have been for nearly four years in command of the Cutter Henry Dodge; I am perfectly acquainted with the entire coast of Texas." (A. L. S. in Miscl. Papers of the Secession Convention.)

The committee on foreign relations instruct the undersigned to report the following ordinance in accordance with a resolution of this Convention.[58]

An Ordinance accepting the services of such of the officers of the late Army of the United States as have resigned and tendered their services to the State of Texas.

The congress of the Confederate States of America having, on the 13th day of February A D 1861, adopted the following resolution, to wit:

"Resolved that the committee on Military Affairs, and the committee on Naval Affairs, be instructed to include in any plan they may have proposed, for the organization of the Army and Navy, suitable provisions for such officers of the Army and Navy of the United States as may have tendered a resignation of their commissions in consequence of their adhesion to any or all the States of this Confederacy."

And H. R. Bradfute, J. P. Majors, Henry C. McNeill and Horace Randal having resigned their commissions in the Army of the United States and tendered their services to the State of Texas, now, therefore,

Sec. 1. Be it ordained by the people of Texas, in Convention assembled, that the offers of their services to the State of Texas, by H. R. Bradfute, J. P. Majors, Henry C. McNeill, and Horace Randal be, and the same are hereby accepted, and the President of this Convention is hereby authorized and empowered to issue commissions to them, with such rank and grade in the military service of Texas as they held in the Army and service of the United States, and they are hereby required to report themselves to the War Department of the Confederate States, at Montgomery, Alabama, for orders.

Sec. 2. Be it further ordained that the provisions of the 1st Section of this Ordinance shall be construed, and are hereby declared to apply to all applications for military service from Texas by any person or persons who having held commissions in the military service of the Government of the United States previous to the 2nd day of March A D 1861, and being in good repute in said service at the time of their respective resignations, have resigned or may hereafter resign the same and tender their services to this State.

Sec. 3. That it shall be the duty of the President of this Convention to issue commissions in the usual form to the persons named in the 1st Section of this Ordinance, giving them military rank and authority as aforesaid, from the people of the State of Texas, and bearing even date with the passage of this Ordinance, and like commissions shall be issued to all such as may hereafter become entitled to the benefits of the provisions of the 2nd Section of this Ordinance, to bear even date with the application for service in such case made.

---

[58] D. S. in Miscl. Papers of the Secession Convention.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage.

W. P. Rogers
Chairman.

The Ordinance was read 1st time.

Mr. Flournoy, chairman of the committee on Constitution, made the following report.

The committee on the Constitution to whom were referred an ordinance "to prevent citizens of the United States under certain circumstances from suing in the courts of this State" and "an ordinance in relation to district and justices courts in this State" have had the same under consideration and have instructed me to report the accompanying ordinances as substitutes therefor and recommend their adoption.

An Ordinance to prevent the Citizens of the United States under certain circumstances from sueing in the Courts of this State.[59]

1st. Be it ordained and declared by the people of the State of Texas, in Convention assembled, That no citizen of any State while such State remains a party to the Union styled and known as the government of the United States of America, nor any person acting for him either as agent, attorney, assignee or otherwise shall be allowed to sue in any of the Courts of this State, on any cause of action against any person whomsoever, until the said government of the United States shall have acknowledged the independence of the new government, styled the Confederate States of America, and until peaceful relations have been established between said governments. Provided that the foregoing provisions shall not be construed to apply to any suit in which real estate is the subject matter in controversy.

An Ordinance in relation to District and Justices Courts in this State.[60]

Sec. 1st It is ordained that from and after the adoption of this Ordinance, no term of any District or Justice's Court shall be held in this State, except for the trial of Criminal Causes, before the 1st day of July A D 1861; Provided that this Ordinance shall not interfere with the institution of suits and the issuance of any process as may be necessary to prepare them for trial, nor shall it prevent the issuance of any remedial writs; Provided further that all executions upon Judgments rendered in District Courts and not yet returned, shall be returnable to the fall term of said Courts.

---

[59] [60] MSS. in Miscl. Papers of the Secession Convention.

"An Ordinance in relation to district and justices courts in this State" read 1st time.

"An ordinance to prevent the citizens of the United States under certain circumstances, from suing in the courts of this State" read 1st time.

Mr. Shepard, chairman of the committee on Citizenship, made the following report.

"The committee on Citizenship to which was referred an ordinance on that subject have had the same under consideration and have instructed me to report the accompanying substitute and recommend its passage. [")]

"An ordinance concerning citizenship" read 1st time.

Mr. Rogers of Marion offered the following resolutions.

That in view of the exposed condition of the coast of the State, and the impossibility of the Convention forming any plan for providing any means for its defence without a just knowledge of its capabilities therefore, [Resolved,] That W. H. Stephens, late an officer in the United States Army, in the engineer department, be and he is hereby appointed to take charge of the same department for the State of Texas, and that he be invested with the rank and pay of major of engineers, according to the regulations of the United States Army, for the State of Texas.

2. Resolved that W. H. Stephens be at once invited to visit the Convention, with a view to rendering to this Convention such information as may be in his possession regarding the necessary defence of the Gulf coast and the property thereon situated belonging to the State of Texas.

On motion of Mr. Davidson the resolutions were referred to the committee on Public Safety.

Mr. Shepard offered the following resolution which was referred to the same committee.

"Resolved that W. H. Stephens, late an officer of the United States Army, be requested to take charge of the coast defence of this State, and that he report to this Convention as soon as practicable his plan for that purpose, with assurances that this Convention will use all laudable means to procure for him an appointment in the regular army of the Confederate States of America with rank equal or superior to the rank recently held by him in the army of the United States of America.[”]

Mr. Montgomery introduced “an ordinance for submitting the constitution for the permanent government of the Confederate States of America to the people of Texas for ratification.” Read 1st and 2nd times and referred to the committee on Federal Relations.

Mr. T. J. Chambers offered the following resolution which was referred to the committee on Commerce and Navigation.

“Be it resolved by the people of Texas in Convention assembled, that our representatives in the congress of the Confederate States of America be requested to procure the passage of an ordinance to make Sabine Pass in this State a port of entry and to provide for the appointment of a collector for the same, and also for its military defence with such fortification, armament and garrison as the president of said States may direct.”

Mr. Campbell introduced “an ordinance in relation to the United States mail contractors in the State of Texas.”

An Ordinance in relation to U. S. Mail Contractors in the State of Texas.[61]

The people of Texas, in Convention assembled, have ordained and declared and do ordain and declare as follows, to wit:

First. That this State guarantees and will make good, with the contractors for carrying the mails in the same, so much of their compensation as may be repudiated by the Government of the United States and which the Confederate States may not adopt.

Second. That the several post masters of the State will, as heretofore ordered by the U. States of America, pay to mail contractors the sums in their hands respectively, before, on and after the 2nd day of March instant, unless otherwise instructed by the Post Master General of the Confederate States, this State hereby resigning any supposed right she has thereto.

Campbell

Read 1st and 2nd times and referred to the committee on Postal Affairs.

Mr. Davidson introduced an ordinance declaring certain acts and correspondence felony, and providing punishment for the same. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Hicks offered the following resolution which was adopted.

“Resolved that his Excellency Gov. Houston be requested to transmit to this Convention a copy of the communication lately received by him from the secretary of war of the government of the Confederate States of America, together with the act of congress of the Confederate States accompanying said communication, relative to the arms and munitions of war as well as the public property surrendered to the commissioners on the part of the State of Texas by Brevet Maj. Genl. David E. Twiggs, late of the United States Army, commanding in the Southern Division of said army, at San Antonio, and that the Secretary of the Convention be directed to transmit forthwith a copy of this resolution to his Excellency.[”]

---

[61] D. S. in Miscl. Papers of the Secession Convention.

Mr. Nelson offered the following resolution.

“Resolved that the commissioners having in charge the money recently belonging to the government of the United States be instructed to pay to Jesse Mercer of the county of Comanche the sum of $2070.00 for the lease of Camp Colorado by the United States, and that a copy of this resolution signed by the President shall be sufficient warrant for the payment of said claim.”

Mr. Cleveland moved to indefinitely postpone the resolution.

On motion of Mr. Wm. Chambers, the previous question was ordered on that motion, and the motion prevailed by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Beazley, Box, Black, Blythe, Brahan, Broaddus, Campbell, Wm. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Johnson of Lamar, Jones, Koester, Lesueur, Lea, Locke, Maltby, Mason, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Peck, Poag, Portis, Prendergast, Preston, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Rugeley, Runnels, Scott, Scurry, Shuford, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson, Word and Wright, 121.

Nays, Mesrs. T. J. Chambers, Henderson, McCall, Moss, Nelson, Payne of Hopkins, Rainey, Rogers of Harris and Russell, 9.

Orders of the Day.

“An ordinance to appoint a quartermaster general and commissary," being under consideration when the Convention adjourned on yesterday, was read.

Mr. Robertson of Smith offered the following as a substitute.

"An ordinance concerning the arms, ordnance stores, quartermaster's stores and commissary's stores, recently surrendered to the State of Texas by the stipulations between the commissioners of the State and Brevt. Major Genl. David E. Twiggs."[62]

Mr. Davidson offered "an ordinance providing for the temporary safe-keeping of the public stores, arms, munitions and public property of every description," as a substitute for the original ordinance and substitute.

On motion of Mr. Montgomery laid on the table.

On motion of Mr. Nelson the substitute offered by Mr. Robertson of Smith was adopted in lieu of the original ordinance

The ordinance was then ordered to be engrossed.

On motion of Mr. Graham of Rusk the rule was suspended, the ordinance was read a 3rd time and adopted.

Mr. Robertson of Smith, chairman of the committee on Public Safety, reported "an ordinance to provide for the protection of the State of Texas," and recommended its adoption. The ordinance was read 1st time.

On motion of Mr. Graham of Rusk the rule was suspended, the ordinance read a 2nd time and 200 copies ordered to be printed.

On motion of Mr. Rainey, the ordinance was made the special order for tomorrow at 10 o'clock a. m.

On motion of Mr. Broaddus the Convention adjourned until seven o'clock, this evening.

Tuesday March 12 1861 7 o'clock P. M.

The Convention met. Roll called. Quorum present.

Mr. Shepard offered the following resolution which was laid over one day under the rule.

"Resolved that for the balance of the week the meetings of the Convention shall be at 9 o'clock, A. M., and sit until 2 P. M.

The communication from his Excellency, the Governor, to a committee of the Convention, under consideration several days since when the convention adjourned, being next in order, was taken up read, and, on motion of Mr. Montgomery, laid on the table.

Mr. Henderson moved to suspend the rule and take up the ordinance in reference to the district and justices courts of this State, reported by the committee on Constitution this morning.

On motion of Mr. Wm. Chambers laid on the table.

---

[62] This ordinance was adopted without being materially changed by amendment.

On motion of Mr. Wm. Chambers "the ordinance to amend the 1st Sec. of the 7th Article of the State constitution was taken up under a suspension of the rules which obtained by the following vote.

Yeas, Mesrs. Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Beazley, Box, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Cook, Cox, Davenport, Davidson, Dean, Devine, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Hall, Hardeman, Hays, Henderson, Hill, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jones, Koester, Lesueur, Lester, Locke, Lubbock, Luckett, Maltby, Mason, Mattox, Maxey, McCraw, Miller, Moore of Burnet, Moore of Henderson, Montel, Moss, Nash of Dallas, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Obenchain, Palmer, Payne of Hopkins,, Poag, Portis, Preston, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Rugeley, Russell, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Waller, Walworth, Warren, Watkins Wiley, Wilson and Word, 101.

Nays, Mesrs. Clark, Clopton, Coke, Dancy, Earley, Gould, Hicks, Henry, Hogg, Jennings, Johnson of Lamar, Kelly, Lea, McIntosh, Montgomery, Moore of Fayette, Nash of Kaufman, Nicholson of Fannin, Peck, Prendergast, Rhome, Robertson of Bell, Rogers of Harris, Shuford, Shepard, Stewart of Falls, Thompson, Throckmorton, Wier, Wilcox of Denton and Wright, 31.

And the ordinance [was] read the 2nd time.

Mr. Stockdale offered a substitute, which was adopted.

On motion of Mr. Portis the substitute was amended by inserting after the word "Texas" in the oath "and hold that allegiance paramount to all political obligations" and by striking out the words "and regard the foregoing declaration as paramount to all other political obligations," which came in at the close of the 1st section of the oath.

Mr. Wiley moved to lay the ordinance on the table. Lost.

Mr. Maxey offered a substitute for the ordinance, which proposed to adopt the oath as it now stands in our State constitution, with the necessary changes of the "Confederate States of America" in place of the "United States" and "March the 2nd 1861" as the date.

Mr. Ford of Caldwell moved to recommit the ordinance with the proposed substitute to the committee on the Constitution.

On motion of Mr. Wiley, that motion was laid on the table.

Mr. Portis moved the previous question, which was ordered, and the ordinance was ordered to be engrossed by the following vote.

Yeas, Mesrs. President, Anderson of Colorado, Bagby, Beazley, Box, Black, Blythe, Broaddus, Brown, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Clayton, Coke, Cook, Davenport, Devine, Dunham, Early, Hall, Hardeman, Hays, Henry, Hill, Henderson, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Lester, Locke, Lubbock, Mason Mattox, Maxey, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Payne of Hopkins, Portis, Prendergast, Rainey, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Scott, Scurry, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Waller, Walworth, Warren, Watkins, Wharton, Wiley, Wilson and Word, 79.

Nays, Mesrs. Allen, Armstrong, Askew, Brahan, Chilton, Chisum, Clark, Cleveland, Cox, Dancy, Davidson Fall, Feeney, Ford of Caldwell, Gould, Graham of Rusk, Hicks, Hogg, Holland, Hutcheson, Keller, Koester, Lea, Luckett, McIntosh, McCall, Moore of Henderson, Newsom, Norris, Obenchain, Palmer, Peck, Poag, Preston, Rhome, Robertson of Washington, Rogers of Harris, Russell, Shuford, Shepard, Stell, Throckmorton, Wier, Wilcox of Bexar and Wright, 43.

Mr. Jennings moved to reconsider the vote just taken, and to lay that motion on the table.

On motion of Mr. Nelson the Convention adjourned until tomorrow morning at 9 o'clock.

City of Austin, Texas,
Wednesday, March 13th 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. Prayer by the chaplain. The Journal of yesterday was read and adopted.

The President submitted a communication and muster roll of Capt. James H. Rogers company of Marion Co. referred to the committee on Public Safety.

Mr. Locke, chairman of the committee on Engrossment, made the following report.

"The committee on Engrossment have examined the following ordinances and find them to be correctly engrossed, to-wit:

1st "An ordinance respecting public property."

2nd "An ordinance to authorize the purchase of arms for the use of the State."

3rd "An ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled the constitution of the United States of America"

4th "An ordinance to secure the friendship and cooperation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee and Seminole nations of Indians."

5th "An ordinance prescribing the mode of election to be held for the rejection or ratification of the ordinance of separation of the State of Texas from the United States of America."

6th "An ordinance in relation to a union of the State of Texas with the Confederate States of America."

7th "An ordinance in relation to custom house officers and customs revenue."

8th "An ordinance to provide for the enrollment, publication and preservation of the ordinances of this Convention"

9th "An ordinance relating to the removal of the United States troops from the limits of the State of Texas.[")]

Mr. Montel offered the following resolution, which was laid over one day for consideration.

"Whereas a great deal of precious time has heretofore been lost by long and irregular debate, and whereas a number of the delegates to this Convention are anxious for the despatch of business in order to be enabled to return to their homes at an early day; therefore be it

"Resolved that hereafter no member of this Convention shall speak more than once, nor more than five minutes on the same question, except by leave of the Convention"

Mr. Payne of Hopkins introduced an ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas.

An Ordinance to amend the 1st Section of the 7th Article of the Constitution of the State of Texas[63]

Be it ordained by the people of Texas in Convention assembled, That the 1st Section of the 7th Article of the Constitution of the State of Texas be so amended as to read as follows, to wit: Members of the Legislature, and all officers under the State government before they enter upon the duties of their offices and all officers now in office shall take the following oath or affirmation

"I (A B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform the duties incumbent on me as .... according to the best of my skill and ability, agreeably to the Constitution and laws of this State and of the Confederate States of America while Texas may remain one of said Confederation; And I do further solemnly swear (or affirm) that since the adoption of the Constitution of this State I being a citizen thereof have not fought a duel with dealy weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. So help me God.[”]

---

[63] D. S. in Miscl. Papers of the Secession Convention.

Payne of Hopkins.

Read 1st time.

Rule suspended, read 2nd time and on motion of Mr. T. J. Chambers laid on the table for the present.

Orders of the Day.

✓

The hour having arrived for the consideration of the “ordinance to provide for the protection of the State of Texas,[”] on motion of Mr. Cleveland it was postponed for the present

The Convention having under consideration last night upon adjournment the motion of Mr. Jennings to lay upon the table the motion to reconsider the vote ordering the engrossment of the ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas, the same being next in order, was taken up.

By leave Mr. Jennings was allowed to withdraw the motion to lay upon the table the motion to reconsider.

The motion to reconsider prevailed.

Mr. Jones offered a substitute for the substitute offered by Mr. Maxey.

Mr. Maxey moved to lay the substitute offered by Mr. Jones upon the table. Lost.

The substitute offered by Mr. Jones was adopted in lieu of the one offered by Mr. Maxey.

On motion of Mr. Dancy the substitute was amended by striking out the words “And deliberately” in the oath.

Mr. Wiley moved to amend by inserting after the word “Texas” the following, “And ordinances of the Convention which assembled at Austin on the 28th day of January A. D. 1861.” Adopted by the following vote.

Yeas, Mesrs. Anderson of Colorado, Armstrong, Askew, Bagby, Baxter, Beazley, Box, Black, Blythe, Brahan, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton Chisum, Clayton, Clopton, Cook, Davidson, Dean, Devine, Dunham, Hardeman, Hays, Hobby, Hooker, Hoyle, Ireland, Koester, Lubbock, Maltby, Maxey, McCraw, Moore of Burnet, Montel, Nash of Dallas, Nash of Kaufman Newsom, Nicholson of Dallas, Obenchain, Payne of Hopkins, Peck. Poag, Portis, Preston, Rainey, Rhome, Robertson of Smith, Ross, Rugeley, Runnels, Scarbrough, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of

Gonzales, Terry of Tarrant, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wiley and Wilson, 71.

Nays, Mesrs. President, Adams, Allen, Batte, Broaddus, Brown, Chambers of Red River, Clark, Cleveland, Coke, Cox, Dancy, Davenport, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Henry, Henderson, Hicks, Hill, Hogg, Holland, Howard, Hughes, Hutcheson, Jennings, Jones, Kelly, Lesueur, Lea, Lock, Mason, Mattox, McCall, McIntosh, Miller, Montgomery, Moore of Fayette, Moore of Henderson, Moss, Nauendorf, Neel, Nelson, Nicholson of Fannin, Norris, Palmer, Prendergast, Robertson of Bell, Robertson of Washington, Rogers of Harris, Rogers of Marion, Russell, Scott, Shuford, Shepard, Stell, Stockdale, Thompson, Throckmorton, Wilcox of Bexar, Wilcox of Denton, Word, and Wright, 69.

On motion of Mr. Stewart of Gonzales the substitute was further amended by adding after the amendment of Mr. Wiley "and reassembled on the 2nd day of March following."

On motion of Mr. Brown the substitute was further amended by striking out the following, "Secession of the State of Texas from the late Union of the United States of America on the"

The substitute as amended was adopted in lieu of the original ordinance.

Mr. Jennings moved to lay the ordinance on the table. Lost.

Mr. Rainey moved to amend by inserting after the word "Confederacy," the words "And hold any allegiance to said State paramount to all other political obligation"

On motion of Mr. Portis the previous question was ordered, which was the engrossment of the ordinance.

The ordinance was ordered to be engrossed.

Mr. Portis moved a suspension of the rule in order to put the ordinance upon its adoption, upon which the count stood, 88 yeas, 32 nays.

The President, Mr. Henderson in the chair, decided that the motion was lost as it required a four-fifths vote to suspend the rule in this case.

Mr. Chilton appealed from the decision of the chair upon the ground that a two-thirds vote only was required to suspend the rule.

The Convention sustained the chair in its decision.

On motion of Mr. Nelson "the ordinance to provide for the protection of the State of Texas" was taken from the table, read and

On motion of Mr. Terry of Tarrant made the special order for to morrow at 11 o'clock A. M.

On motion of Mr. Word he was excused from the committee on Finance, and Mr. Stewart of Anderson added in his place.

The President submitted a communication from the delegates in the congress of the Confederate States of America in relation to the arms and munitions of war lately taken by the State of Texas from the government of the United States of America. Referred to the committee on Federal Relations.

Mr. Dancy offered the following resolution which was adopted,

"Resolved that the committee on the Constitution be instructed to inquire into the expediency of striking from the constitution Sec. 27 of Article 3, and Section 3 or Article 6 and report the result of their deliberation at such time as they see proper.["]

Mr. Chilton offered the following resolution which was adopted,

"Resolved that the committee on Finance be instructed to report immediately some plan by which the contingent expenses of this Convention may be met.["]

Mr. Locke offered the following resolution which on motion of Mr. Robertson of Smith was laid on the table.

"Whereas the troops which have been called into the service of the State, both for frontier protection and in the capture of the forts, etc., in the State, have been raised principally if not exclusively west of the Trinity river in this State, and whereas, the capitol of the State being situated more conveniently to the citizen soldiery of the western frontier of the State, and the existence of the fact that on that account calls for regiments, companies etc. are filled before those who reside more remotely have an opportunity to enlist, and whereas the gallant young men of the "east" are equally patriotic, and are eager to serve their country in this hour of its peril, therefore be it

"Resolved that of the regiments to be raised by this Convention a fair and equal opportunity should be awarded to that section of the State."

On motion of Mr. Terry of Tarrant the Convention adjourned until tomorrow morning at 9 o'clock

---

City of Austin Texas,
Thursday March 14th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journal of yesterday was read and approved.

The President submitted the following communication.

Austin, March 12th 1861.

To the Secretary of the Convention

Sir,

Your communication enclosing resolutions of the Convention has been received.

I would respectfully refer to the law under which I received my appointment, which makes it my duty to report to the commander in chief, the Governor of the State, and it is made his duty when required "to lay the same before the legislature."

As a subordinate officer I can only furnish official information from my office to the person having the right to call for the same, the commander in chief, Genl. Sam Houston.

Respectfully
A. B. Norton,
Adjt. General of Texas.

On motion of Mr. Terry of Tarrant laid on the table.

Mr. Stell from the committee on Postal Affairs made the following report.

"The committee on Postal Affairs to whom was referred 'an ordinance in relation to U. S. mail contracts' have had the same under consideration, and ask leave to report the same back to the Convention without amendment, and recommend its adoption[."]

On motion of Mr. Stell the rule was suspended and "the ordinance in relation to U. S. mail contracts" read a 2nd time, and ordered to be engrossed.

Mr. Dancy offered the following resolution which was adopted,

"Resolved that the committee on Constitution inquire into the expediency of striking out or amending Section 33 of Article 7 of the constitution of the State of Texas, and report the result of their deliberations as soon as convenient.["]

Mr. Campbell, chairman of the committee on Commerce and Navigation, reported back to the Convention the resolution offered by Mr. T. J. Chambers in relation to making Sabine Pass a port of entry etc. and recommended its adoption.

On motion of Mr. Campbell the rule was suspended and the report and resolution taken up and the resolution adopted.

Mr. Campbell, chairman of the committee on Finance, made the following report.

Committee Room, Austin March 13th 1861.

Hon. O. M. Roberts
President of the Convention.

Sir

The Committee on Finance, to whom was referred an ordinance entitled "An ordinance to raise money for the use and defence of the State of Texas," and sundry resolutions in relation to mileage and per diem and the best way to provide for the same, the precise words of which it is here unnecessary to insert, have had the same under consideration, and have instructed me to report the following ordinances, to-wit:

"An ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs and to defray the expenses of the Convention."

"An ordinance to repeal in part Sec. 2 Art. 10 of the constitution, and for other purposes," and

"An ordinance making appropriations demanded by the extraordinary condition of the country and to defray the expenses of the Convention."

These several ordinances, it is considered, are in *pari materia*, and should any one of them fail to meet the approval of the Convention the others must either fall or become fatally impaired.

The committee have not failed to appreciate in their full force the exigencies of the times and, conscious of the pressing demands of the State, for the means requisite to place her in a posture of defence, have not been derelict in the performance of the task assigned them, but have given to it repeated and earnest consideration. If they shall have failed in offering to the Convention a plan in unison with their wishes, they must say, in all frankness, that they have no other plan to offer, calculated as less likely than the one proposed to lessen the sacrifice the State in this crisis is constrained to suffer.

In estimating the immediate wants of the State, the committee have considered that there exists an urgent necessity for at least four hundred and odd thousand dollars. Indeed the committee, in view of the apparently impending difficulties, supposed that in fixing the amounts as stated they were observing a degree of parsimony inappropriate to the menacing state of affairs. But to details. The committee, upon calculation furnished by a competent officer of the government, ascertained that to meet the mileage and per diem of the members of the Convention and the per diem of officers of the same, about $75,000.00 would be needed. That to E. B. Nichols, a patriotic citizen of the State and a member of the Convention, there was due $24,000, raised on his own credit in the city of New Orleans for fitting out troops for the Rio Grande and for which provision was required. That to meet the expenses of the expedition to Brownsville, under Col. Jno. S. Ford, one which has not yet accomplished its object and which may not for some time, there would, independent of the money raised by Gen. Nichols, be required not less than $50,000.00. As illustrative of the necessity of this last appropriation, it need only be stated that the expedition has now engaged in its service the steamer *Gen. Rusk* at a chartered price of $500 per day. That to arm the State $150,000 was needed, with which to purchase 5000 stands of arms—rifles and muskets—and 2000 of Colts pistols, the last including the arms Major Ben McCulloch has by this Convention been commissioned to buy in or from the State of Virginia. That the expenses at San Antonio, besides the $23,000 surrendered by Gen. Twiggs, would call for at least $50,000, and that other expenses, not now in a condition to be stated with definiteness, would demand as much as $75,000. These several amounts it will be seen aggregate $424,000. To provide for this it is thought that the bonds will yield, at 15 pr. cent. discount, just about a like amount.

From a variety of sources every way entitled to confidence and consideration, suggestions have come to the committee that the amount now intended to be provided for would prove greatly inadequate to the wants of the State. To these the committee did not feel that they should defer.

As will have been observed the committee have not considered the subject of making provision for frontier defence. They have supposed that the government of the Confederate States of the South would assume charge of that at an early day, and adequately this expectation will no doubt be realized.

In looking about for resources belonging to the State, resources promising availability from whence to obtain means, the committee have found themselves confronted on the one hand by an empty treasury, and on the other by a plethoric body known as a school fund, into which every successive legislature have appeared to regard it as a sort of religious as well as patriotic duty to empty the property of the people. From statements made to us by the comptroller of the State, there is apparent to a certainty that a large deficit will, by January next, exist in the current income of the State.

By the provisions of Ordinance No. 2, herewith submitted, it will be seen that it is proposed to take from the common school fund the 10 pr. centum, deducted from the annual revenue of the State, in virtue of Sec. 2 Art. 10 of the constitution, and to apply it as far as necessary to the pay of the interest on the bonds provided for in Ordinance No. 1. To compensate the school fund, the El Paso reserve, estimated to be worth at least $400,000, and consisting of 212 sections, is perpetually secured to it. The grant is declared organic, part of the constitution and irrevocable. This ought to be regarded as an ample equivalent, for it will be placing it utterly beyond disturbance. Now it is a mere legislative grant and subject to revocation.

Many gentlemen on the committee, and I among them, consider the constitutional provision an outrage upon the people and as demanding abrogation. When placed in the constitution, the State looked to no other means of erecting a common school fund, but since then the money arising from the adjustment of the boundary difficulty with the U. S. has fallen into her hands, and out of it she has appropriated the magnificent sum of $2,000,000.00, all of which is now productive. If we only look ahead and anticipate a few years, what a vast leviathan in the shape of a school fund we behold. Ten years hence our State will so have grown in every respect that in lieu of a few hundred thousands of revenue millions will be coming in. Instead of the 10 pr. cent. yielding the modest sum of $40,000 from $100,000 to $200,000 will be extracted from the hard earnings of the people. This in the judgments of a majority of the committee will be liberality with a vengeance. To educate the rising generation, that of the present day must be starved. Besides, what benefit at present does the fund yield to public schools? None I may say. The interest, say by way of illustration 6 pr. ct. on $40,000, or $2,400, is only distributed, giving to each scholar in the State the trifling sum of two cents per capita. And, too, this fund, taken from the pockets of the people, is now loaned to railroad companies at 6 pr. ct. when each tax payer, were he allowed to keep it, could loan it at 10 and 12 pr. ct. If it is to be continued, in the name of reason let it out for its value.

Few persons possess anything like a correct idea of the vastness of the common school fund. In railroad bonds, and indemnity bonds of the U. S., there is the magnificent sum of $2,417,500. Besides this, four leagues of land were given to each county as a school fund, nine-tenths of the railroad reserves and other lands. Competent judges have not hesitated to say that the fund in money and lands amounts in value to from four to five millions of dollars. This being the case is that great charity seriously affected by taking from it the 10 pr. cent fund? The majority of the committee think not.

Ordinance No. 1., herewith reported, it will be seen authorizes the sale of $500,000.00 of the U. S. Bonds now in the [Treasury] Department.

The committee considered several modes by which to raise the money. It was suggested that the railroad bonds should be pledged—that bonds of the State be issued. These plans were thought inexpedient as involving, if practicable, too great a sacrifice. Hence they concluded to adopt the plan proposed, as the only one left. It is at least a feasible one, and one as little if not less likely to occasion serious loss than the other plans proposed in committee. Just at this moment the committee seemed to think it was both expedient and proper to get rid of the bonds of the U. S., and they deplored the fact that long since they had not been disposed of. But a short time since they were nearly at par. That they should have been gotten rid of, had those administering State affairs duly appreciated the signs of approaching disasters, admits of no doubt. Disposed rather to interpose obstacles to the will of the people, than to watch and guard the public interests, an opportunity has been allowed to escape never again to present itself. What we have to dread is that these bonds may become utterly worthless. Even should they not, already Texas holds sufficient claims upon the U. S. Government. If they should ever be settled the State may justly reclaim from the other party any loss she may now sustain by being forced to sell the bonds. Ultimately she may have to submit to no loss.

As to the railroad companies, they are absolutely protected. The bonds they will be required to take, they will doubtless find more negotiable than the bonds proposed to be sold. Most amply secured, the bonds in a time of tranquility and confidence would command a premium. Young, with vast landed resources, an enterprising and virtuous population, and out of debt, the securities of the State will occupy a *status* in financial circles unexcelled by that of any other State on this continent.

As to details as to the mode by which the pay of interest on the State bonds, and the redemption of the bonds themselves, it is not necessary to restate them here.

It is due to candor to declare as the fixed conviction of the committee that if the ordinances submitted are not acceptable they have no other plan to propose, and that it will be but right to discharge them from further duty on the subject. They, through their chairman, repeat that their labors and researches have been constant, zealous and thorough. This they say in no spirit of dictation.

The committee conclude by saying that the period is that of revolution. We should not if we could overlook the fact. To such a period it naturally belongs to suffer sacrifices, and to such a period debt is incidental. Our State is young and with a great future before her. What we now do in creating State liabilities in order to [secure?] State protection a few years of tranquility and prosperity will efface. But if we fail or refuse to make due provision, when provision is needed in order to meet and repel imminent danger, we shall not only have to feel the upbraidings of the people but our own self reproaches.

All of which is respectfully submitted.

Robt. C. Campbell
Chmn. Com. on Finance.

An ordinance to raise Money to defray the extraordinary expenses arising from the condition of Public Affairs and to pay the expenses of the Convention.[65]

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare as follows, to wit:

Section 1. That there shall be withdrawn from the Treasury of the State five [2] hundred thousand dollars of the Bonds, known as the

---

[65] Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

"five per cent. Indemnity Bonds [3] of the United States Government," and the same placed in the hands of a Commissioner,[4] hereinafter named, for sale at their current value.

Sec. 2. That any law now in force, requiring said bonds to receive the endorsement [2] of the Governor of the State, be and the same is hereby repealed.

Sec. 3. That the Commissioner to sell said U. S. Bonds shall dispose of the same at [2] as little loss to the State as possible, and when sold he shall report the sale to the [3] Treasurer of the State and pay into the Treasury, subject to appropriation by the [4] Convention, the proceeds arising from the sale. The Commissioner may negotiate said [5] bonds, within or without the State, as he may deem expedient and proper for the [6] interest of the State.

Sec. 4. That the Rail Road enterprises of the State may suffer no injury the Governor [2] shall cause to be prepared in proper form and duly signed five hundred State bonds [3] of one thousand dollars each, amounting in the aggregate to five hundred thousand [4] dollars, the equivalent in amount to the U. S. Bonds withdrawn and ordered to be sold, [5] and deposit them in the place of said U. S. Bonds, to be issued in lieu of said U. S. Bonds [6] to the Railroad companies authorized under existing laws of the State, to demand the [7] same as a loan in their behalf. Said State Bonds shall bear date with the date of withdrawal [8] of the U. S. Bonds, shall bear an interest of six per cent. per annum, and be [9] made payable on the 1st day of July, A. D. 1871. In the body of said State Bonds [10] shall be inserted a brief statement of the fund credited by ordinance for the payment of [11] interest and principal.

Sec. 5. That so much of Sec. 33, Art. 7, of the Constitution as limits the creation [2] of a State debt to the sum of one hundred thousand dollars be and the same is hereby [3] modified and changed so as to include and not inhibit the debt created by this ordinance.

Sec. 6. That the bonds authorized to be created by this ordinance may be adequately [2] and securely provided for, it is here declared and ordained that the securities now in the [3] proper department of the State government, arising from the sale of the fifty league [4] grant of University lands or the money arising from the payment of said securities or [5] so much as may be paid by the 1st day of July, 1871, as also the remainder of said [6] University fifty league grant amounting to some one hundred and forty-six sections, or [7] its proceeds when sold, shall be set aside and is hereby set aside and constituted a sinking [8] fund for the sole and exclusive purpose of redeeming the principal of said State [9] Bonds, when due, and payable on said 1st day of July, 1871.

Sec. 7. That as money, accrueing from said University security and land, shall be paid [2] into the State Treasury, the same shall, by the joint action of the Comptroller and [3] Treasurer, be loaned out, on undoubted security, at an interest of from eight to twelve [4] per centum, per annum, payable, both principal and interest, annually, and on a credit [5] of one year from the date of the loan, and, thereafter in like manner, till required to pay [6] and satisfy the said State Bonds hereinbefore authorized to be made.

Sec. 8. That should the Commissioner, appointed by this act, ascertain that the rate [2] of discount on the U. S. Bonds would involve too great a sacrifice to the State, and that [3] the State Bonds ordered by this ordinance to be deposited in lieu of them can be negotiated [4] at a lower rate of discount, then, and in that case, the Commissioner, upon replacing [5] the U. S. Bonds, may withdraw the State bonds created by this ordinance and [6] proceed to negotiate the same; provided, however, that the State Bonds issued for negotiation [7] shall bear an interest of eight per centum per annum and be made payable [8] principal and interest at the counter of the Citizens Bank, in New Orleans, in the State [9] of Louisiana.

Sec. 9. That E. B. Nichols, of Galveston, is hereby appointed Commissioner to negotiate [2] the bonds hereinbefore mentioned, and that for his services and his traveling [3] expenses, ten dollars per day be allowed him.

Sec. 10. That to meet the pressing wants of the Convention the Comptroller is hereby, [2] if practicable, instructed to sell in the city of Austin, or other place in the State, [3] one hundred thousand dollars of the U. S. Bonds of the amount authorized to be sold [4] by the first section of this ordinance, provided the same can be sold at a fair value, [5] otherwise to place the same with the balance of the bonds in the hands of the [6] Commissioner.

Sec. 11. That in due and proper time, the Comptroller and Treasurer of the State [2] shall appoint some qualified person as Commissioner for the purpose of selling the [3] remainder of the fifty league University grant hereinbefore designated as part of the [4] sinking fund, and to such Commissioner they shall allow such compensation as may [5] appear to them equitable and right. Before entering upon his duties said Commissioner [6] shall take an oath, well and faithfully to perform the duties assigned him.

Sec. 12. That said last named Commissioner shall, after giving notice of the said [2] sale, in such papers and in such places, and for such length of time as he may appoint, [3] shall proceed at the periods herein named, to wit: on the 1st Monday in November, [4] 1861, on the first Monday of November, 1862, and on the 1st Monday of November, [5] 1863, and from day to day at or [as] near the land as he may think proper proceed to offer [6] said lands for sale at auction, and sell the same, provided however that the same shall [7] not except, as hereinafter provided for, be sold at a price under three dollars per acre.

Sec. 13. That said lands shall be sold in alternate half sections, unless the tract [2] adjoining that sold, be a fraction of a section; and in making the sales, the Commissioner [3] shall only sell one-third of the whole quantity now remaining unsold, it being the [4] intent and meaning of this section that an equal quantity, if practicable in the judgment [5] of the Commissioner, shall be sold at the times appointed for the three several [6] sales. At the last sale, should any tract or tracts fail to find a purchaser or purchasers, [7] the same shall be sold for what it or they will bring.

Sec. 14. That the sales shall be on a credit ending on the 1st day of January A. D. [2] 1869, the notes, as far as practicable, being taken in installments of one year, and bearing [3] interest of eight per cent per annum, the interest on the whole amount of purchase [4] money, payable at the times appointed by the Commissioner for the payment of the [5] notes. That in case any debtor for said lands remain in default for any two payments, [6] both the payments made and the land shall be forfeited to the State. The State [7] shall only make title when the debt and interest are fully paid.

Sec. 15. That the section of this ordinance, creating a sinking fund of the University [2] securities and lands or their proceeds, shall and they are hereby declared to be organic [3] and as part of the Constitution irrevocable until the fund accomplishes its purpose [4] after which, should any remain, it shall inure as the part of the University fund.

Sec. 16. That all State laws hostile to or inconsistent with this ordinance are [2] repealed.

Robert C. Campbell,
Chairman of Finance Committee.

An Ordinance to repeal in part the 2nd Section, Article 10, of the Constitution, and for other purposes.[66]

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare as follows, to wit:

Section 1. That so much of section 2, article 10, of the Constitution of the State as [2] provides for deducting from and setting apart as a fund for public Free Schools, ten per [3] centum of the annual revenue, and the law passed on the 11th day of February, 1850, [4] (vide Oldham & White's Digest, p. 59, art. 132,) in pursuance thereof, be and they are [5] hereby abrogated and repealed.

---

[66] Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

Sec. 2. In order to replace on a permanent footing the fund taken from the common [2] school fund by the first section of this ordinance, the lands now surveyed, and their [3] proceeds when sold, known as the alternate sections along the line of the Memphis, El [4] Paso and Pacific Railroad, in about 212 sections, are hereby declared to belong to and [5] constitute part of the Common School Fund, and, that the grant created by this section [6] may be perpetual, the same is hereby declared to be organic and as part of the Constitution [7] of the State irrevocable.

Sec. 3. That the semi-annual interest accruing upon the bonds, provided for by an [2] ordinance, entitled "an ordinance to raise money to defray the extraordinary expenses [3] arising from the condition of public affairs, and to pay the expenses of the Convention," [4] may be punctually met, the ten per centum school fund mentioned in the first section of [5] this ordinance, as the same is received into the State Treasury, is, as far as may be [6] required therefor, hereby appropriated to pay and satisfy said semi-annual interest, and [7] which interest, when paid, shall be distributed as the income from the common school [8] fund is now distributed.

Sec. 4. That when said semi-annual interest is paid, the residue of said ten per centum [2] school fund is to pass into the general fund of the Treasury, subject to appropriation [3] as in other cases.

An Ordinance making appropriations demanded by the extraordinary condition of the country and to defray the expenses of the Convention.[67]

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare, as follows, to wit:

Sec. 1. That there is hereby appropriated, out of any money in the Treasury of the [2] State not already appropriated, or out of any money arising from a sale of bonds [3] authorised by this Convention, the sum of eighty thousand dollars, for the mileage and [4] per diem of the members and the per diem pay of the officers of the Convention, said [5] mileage and per diem being rated as now rated in behalf of members and officers of the [6] Legislature, and the certificate of the Secretary of the Convention shall be authority to [7] the Comptroller to draw his warrant on the Treasury for the several amounts the [8] members and officers of the Convention are entitled to.

Sec. 2. That an additional pay of five dollars a day be allowed the Secretary of the [2] Convention.

Sec. 3. That out of the money to be raised by a sale of Bonds, the following appropriations [2] are hereby made: To reimburse E. B.

---

[67] Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

Nichols, for money expended in fitting [3] out the expedition to Brownsville and the incidental expenses of the expedition, fifty [4] thousand dollars, which amount the Treasurer will hold subject to the warrant of the [5] Comptroller in favor of said Nichols, upon passing his vouchers. To purchase 5000 [6] stand of improved arms, muskets and rifles, and 2000 Colt's pistols, one hundred and [7] fifty thousand dollars, subject to the warrant of the Comptroller, to the order of the President [8] of this Convention. To pay incidental expenses of the proceedings of the Convention [9] or its agents, fifty thousand dollars, subject to disbursement as in the case of [10] the last appropriation. To pay Geo. Simcox for enrolling Secession Ordinance twenty [11] dollars.

"An ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs and to pay the expenses of the Convention.["] Read 1st time.

"An ordinance to repeal in part the 2nd Section of the 10th Art. of the Constitution and for other purposes.["] Read 1st time.

"An ordinance making appropriations demanded by the extraordinary condition of the country, and to defray the expenses of the Convention.["] Read 1st time.

Mr. Robertson of Bell submitted the following report from a minority of the committee.

Committee room, March 14, 16б1,

Hon. O. M. Roberts
President of the Convention

The undersigned, a minority of the committee on Finance, beg leave to dissent from that portion of the report of the majority of the committee made to the Convention on this morning, which recommends the repeal of the 2nd section of the 10th art. of the constitution. The section proposed to be repealed reads as follows:

"The Legislature shall as early as practicable establish free schools throughout the State, and shall furnish means for their support by taxation on property; and it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools, in the several districts of the State, the fund thus created shall remain as a charge against the State passed to the credit of the free common school fund."

It will be observed that this clause of the constitution is the very ground work of the common school system of the State and, in connection with the other sections of the 10th article of the constitution, constitutes the entire basis upon which the whole system rests. It is also worthy of notice that this section contains two distinct propositions. The first is that the legislature shall as early as practicable establish free schools throughout the State and shall furnish means by taxation on property for their support. The second proposition requires the legislature "to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools." The legislature has not fully complied with the first one of these requirements. Free schools throughout the State have been established, but no tax has been levied, as this clause requires, upon property to support them. The one-tenth becomes a permanent fund and is also to go to the support of free schools, and the legislature is prohibited from ever diverting this fund. The first one of these requirements was to take effect in the future at such time as the legislature might deem the scholastic population sufficient and the finances of the State would permit the establishment of free schools. The last requirement, setting aside the one-tenth of the revenue, took immediate effect. Therefore should the Convention repeal this section of the constitution the effect will be not only to take one-tenth of the revenue from the school fund but it will also destroy the constitutional provision which requires the establishment and support of free schools, so happily provided for in the organic law of the State, and leave the system dependent wholly upon the caprice of subsequent legislation.

By an act of the legislature of date January 31st, 1854, two millions of the United States five per cent bonds were set aside as a fund for the support of free schools, the bonds to be loaned to railroads and the interest accruing to be distributed among the counties. By another act the one-tenth of the revenues which had previously accrued, and were afterwards to accrue, were required also to be invested in the five per cent bonds and loaned in the same manner. Other acts require the proceeds arising from the sale of the public domain to be added to the school fund. It is from these several sources that we have for distribution, in the year 1860, among the several counties the sum of $104,447.00. The number of the scholastic population amounting to 101,000. So we find that, if the money was distributed equally among the scholars, there would be something over one dollar to each one. But, in a spirit of liberality and justice worthy the age in which we live, and actuated by the highest and truest sense of duty, the legislature wisely provided that the whole amount of the school fund subject to distribution shall be applied to the payment of the tuition, first, "of all children whose parents or guardians are unable to pay the same, of orphans whose tuition has not been paid, and the children of widows who have no greater amount of property than is secured by the constitution from forced sale." If, after the indigent children, orphans and the children of widows have been provided for, there remains a surplus, it is to be divided among the paying patrons. Thus it will be seen that the whole amount derivable from all sources is barely sufficient to do more than provide the means of an ordinary education for those unfortunate children who are without fortune, friends or relatives to protect, educate and fit them for society. Never, in any age or country, has there been a more wise, just and humane provision of law. It is not only the poor unfortunate children of Texas who are to be reclaimed from ignorance and a feeling of inferiority unworthy of freemen, but the wealthy classes are alike to be benefitted on account of the superior intelligence of those who sit upon juries, and who will constitute a large proportion of that society of which ourselves and our children are to be members. Surely then the representatives of the people of Texas will not destroy this fund which has heretofore been regarded as sacred, and which is the hope of so many of the widows, orphans and helpless ones of our noble State.

The undersigned are of the opinion that no necessity exists, or is likely to occur, which requires this provision of the organic law to be repealed. And we are very far from admitting that we are without resources to meet the interest on the $500,000 of State bonds proposed to be issued.

There is yet due the State on the University lands heretofore sold and to be paid before January 1869, of principal and interest $155,938.20. There remains unsold of the University lands 164,200 acres. There can be realized from these lands, to be sold as proposed by the committee, by January 1869, $523,600.44. Then, add the proceeds of the sales of the 135,680 acres of land in the Memphis El Paso Railroad reserve, to be sold in the same manner as the University lands, at a minimum price of two dollars per acre, and we will have the further sum of $325,758, making a sum total of principal and interest derivable from these sources up to January, 1869, of something over one million of dollars, leaving untouched the one-tenth of the revenues set aside by the constitution for the support of free schools.

It may not be uninteresting to reflect a moment and contemplate what the amount of this school fund will be fifty years hence if fostered and protected. Taking $36,000 as the basis, the amount for this year, and supposing the increase of property and its value at 10 pr. ct. pr. annum, at the end of fifty years we have a fund from this source of $46,293,688, the interest on this vast sum to be distributed for the support of schools, and accumulated so imperceptibly as not to be felt by the people.

Fifty years hence the population of this great State will have increased to millions, and notwithstanding such vast increase in the population as we know will take place, yet the school fund will have so increased, and even long before the period alluded to, that not only the indigent and orphan children can be educated by the State, but every child of Texas, of however exalted or humble parentage, can be most munificently cared for and educated. Let those who this day control the destinies of Texas not prove recreant to the high trust committed to them by those men whose strong arms and stout hearts redeemed Texas from Mexican tyranny and bigotry, and who so wisely conceived and inaugurated this just and humane policy of educating the masses. It is idle to say that the people have complained of this provision of the constitution. When they do it will be time enough to consider of its repeal.

In addition to the foregoing constructions, it may not be improper to suggest that the history of past legislation abundantly establishes the fact, that but for the constitutional inhibition on the powers of the legislature the entire amount of the revenue would from session to session be appropriated and expended, and it is confidently believed that whatever amount is placed by the organic law beyond the reach of the legislative appropriations will be almost a clear saving to the tax payers of the State.

It should be remembered that the school fund is not an idle fund, but that as it accumulates it is to be invested in the bonds of Railroad companies in the State. Thus it will be seen that every class of our citizens is benefitted. And every one acquainted with the history of the State must know that had it not been for the blending of the school system with that of internal improvements, Texas this day would have been destitute of railroads, and without that certain prospect of having the vast interior of our State penetrated by these arteries of trade and commerce. Let us guard and foster these two great interests of the State, and let them go hand in hand together. By so doing we conceive the truest and best interests of the State will be subserved.

The undersigned will add that it may not be improper, in their judgment, to so amend the organic law as to provide that the one-tenth of the annual revenues of the State, sufficient for the ordinary expenses of carrying on the State government, shall be a permanent fund for the support of free schools, and that the one-tenth should not be taken from any increase of the taxes which may have to be levied to meet the extraordinary expenditures, such as the debt already contracted for frontier defence or to repel invasion.

Respectfully presented,
J. W. Throckmorton,
Wm. H. Stewart,
E. S. C. Robertson.

On motion of Mr. Campbell 200 copies of the reports and ordinances were ordered to be printed.

Mr. Terry of Tarrant moved to reconsider the vote, taken on yesterday, engrossing the ordinance to amend the 1st Sec. of the 7th Art. (General Provisions) of the State constitution.

Mr. Anderson of Colorado moved to lay that motion on the table Lost by the following vote.

Yeas, Mesrs. Adams, Anderson of Colorado, Armstrong, Askew, Bagby, Baxter, Blythe, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Clopton, Devine, Early, Hardeman, Hooker, Hoyle, Ireland, Koester, Moore of Henderson, Nauendorf, Nicholson of Dallas, Nicholson of Fannin, Peck, Poag, Portis, Rainey, Robertson of Smith, Rugeley, Ross, Runnels, Scurry, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Thompson, Todd, Waller, Warren, Watkins, Wier, Wiley and Wilson, 46.

Nays, Mesrs. President, Allen, Batte, Box, Burditt, Black, Brahan, Broaddus, Brown, Campbell, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Howard, Hunt, Hutcheson, Jennings, Johnson of Lamar, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsome, Norris, Palmer, Payne of Hopkins, Prendergast, Rhome, Robertson of Washington, Rogers of Harris, Rogers of Marion, Russell, Scarborough, Scott, Shuford, Shepard, Smith of Bexar, Stell, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Wharton, Wilcox of Bexar, Wilcox of Denton, Word and Wright, 90.

And the motion to reconsider prevailed.

Mr. Terry of Tarrant moved a reconsideration of the vote adopting the amendment of Mr. Wiley, as amended by the amendment of Mr. Stewart of Gonzales, to the ordinance. Carried.

Mr. Henderson moved to lay the amendment on the table. Carried by the following vote..

Yeas, Mesrs. President, Adams, Allen, Bagby, Batte, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Chambers of Red River, Chilton, Clarke, Cleveland, Coke, Clayton, Cook, Cox, Dancy, Davenport, Davidson, Dean, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Howard, Hutcheson, Jennings, Johnson of Lamar, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsom, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Prendergast, Rhome, Robertson of Bell, Robertson of Washington, Rogers of Harris, Rogers of Marion, Scott, Shuford, Shepard, Stell, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Wharton, Wilcox of Bexar, Wilcox of Denton, Word and Wright, 93.

Nays, Mesrs. Anderson of Colorado, Armstrong, Askew, Baxter, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Clopton, Devine, Earley, Hardeman, Hooker, Hoyle, Hunt, Ireland, Koester, Nauendorf, Nicholson of Dallas, Obenchain, Peck, Poag, Portis, Preston, Rainey, Robertson of Smith, Ross, Rugeley, Runnels, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Taylor, Todd, Waller, Walworth, Warren, Watkins, Wier, Wiley, and Wilson, 43.

Mr. Portis moved the previous question which was ordered.

And the ordinance was ordered to be engrossed.

On motion of Mr. Henderson the rule was suspended the ordinance read a 3rd time and passed by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Feeney, Fall, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hogg, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnett, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of

Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson, Word and Wright, 137.

Nays, Mr. Adams, 1.

Mr. Ireland moved a reconsideration of the vote just taken.

On motion of Mr. Moore of Henderson that motion was laid on the table.

On motion of Mr. Portis the rule was suspended and the ordinance to provide for the continuance of the existing State government was taken up and read a 2nd time.

On motion of Mr. Rainey the ordinance was amended by striking out the proviso to the 2nd section.

Mr. Lea offered a substitute for the ordinance

On motion of Mr. Wiley the substitute was laid on the table by the following vote.

Yeas, Mesrs. Adams, Allen, Armstrong, Bagby, Batte, Baxter, Beazley, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Coke, Dancy, Davenport, Davidson, Devine, Dunham, Earley, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lester, Locke, Lubbock, Maltby, McCraw, McIntosh, Miller, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wiley, Wilson and Word, 111.

Nays, Mesrs. Askew, Chambers of Red River, Cox, Dean, Fall, Henderson, Hobby, Johnson of Lamar, Lea, McCall, Montgomery, Moore of Burnet, Norris, Robertson of Washington, Shuford, Shepard, Terry of Tarrant, Throckmorton, Wilcox of Bexar, Wilcox of Denton, and Wright, 21.

Mr. Hicks offered the following amendment to come in at the end of the 3rd section. "And all members of this Convention who are now here and hold office under the State shall take the oath prescribed at 12 o'clock M. on the day after the adoption of this ordinance." Adopted.

Mr. Hogg offered the following amendment to come in at the end of the 4th section. "And the President of this Convention is hereby required to cause to be forwarded a copy of this ordinance to the chief justice of each county in the State, and the chief justice of each county on receipt of the same shall forthwith notify the several officers of their respective counties of the existence of this ordinance." Adopted.

On motion of Mr. Flournoy the ordinance was amended by inserting in the 4th line of the 3rd section after the word "days" the words "Sundays excepted."

Mr. T. J. Chambers offered the following amendment to come in at the end of the 2nd section. "And if any such officer, after having so refused to take said oath or affirmation; shall attempt to exercise the powers of said office, or refuse to deliver up to his successor the records of said office or any other property appertaining to said office, he shall be deemed and held to be guilty of a high crime and subject to the penalty of treason, and all his pretended official acts shall be null and void"

On motion of Mr. Chilton the previous question was ordered, which was the engrossment of the ordinance, and the ordinance was ordered to be engrossed.

On motion of Mr. Rainey the rule was suspended and the ordinance read a 3rd time.

Mr. Portis offered the following amendment to come in after the word Texas, at the end of the 3rd line in the 2nd section "adopted by this Convention on the 14th day of March A. D. 1861," which was adopted.

On motion of Mr. T. J. Chambers the previous question was ordered and the ordinance adopted by the following vote.

Yeas, Mesrs. President, Allen, Armstrong, Askew, Bagby, Baxter, Beazley, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Clopton, Coke, Cox, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lester, Locke, Lubbock, Maltby, Mason, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson and Word, 119.

Nays, Mesrs. Clark, Dancy, Lea, McCall, Montgomery, Norris, Robertson of Bell, Russell, Shuford, Shepard, Throckmorton, Wilcox of Denton and Wright, 13.

Mr. Rainey moved to reconsider the vote just taken.

On motion of Mr. Rainey the motion was laid on the table

Orders of the Day.

"The ordinance to provide for the protection of the State of Texas,[""] being the special order for to day at 11 o'clock A. M. was taken up and read.

By leave Mr. Wilcox of Bexar offered the following resolution

"Resolved that when the Convention takes up the ordinance for the military defence of the State it will entertain no other proposition until said ordinance is consummated and passed."

Mr. Wilcox moved a suspension of the rule in order that the resolution might be put upon its adoption

On motion of Mr. Wharton the Convention adjourned until 7 o'clock, to night.

Thursday, March 14th 1861. 7 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The motion of Mr. Wilcox to suspend the rule in order to put upon its adoption the resolution offered by him this morning, being under consideration when the Convention adjourned, prevailed

On motion of Mr. Dancy it was indefinitely postponed.

On motion of Mr. Terry of Tarrant the Convention proceeded to the consideration of the special order, "The ordinance to provide for the protection of the State of Texas" by sections.

On motion of Mr. Wilcox of Bexar the caption was amended so as to make it read "An ordinance to provide for the military defence of the State"

Mr. T. J. Chambers offered the following as a substitute for the 1st section of the ordinance.

"Sec. 1. Be it ordained by the people of Texas, in Convention assembled, that an army of volunteers shall immediately be raised and mustered into the service of the State of Texas, consisting of two regiments of mounted men, one regiment of infantry, one regiment of artillery and a corps of engineers. Each of said regiments shall be composed of ten companies, and each company shall consist of not less than sixty-four and more than one hundred men rank and file. The corps of engineers shall consist of one major, two captains, four lieutenants and such number of men and other officers as may be detailed from the service for their assistance by the officer commanding the army."

Mr. Dancy moved to amend the substitute so as to make it read "One regiment of mounted men and one regiment composed of one battalion of infantry and one battalion of artillery."

On motion of Mr. Cox the amendment offered by Mr. Dancy was laid on the table.

Mr. Montgomery moved to lay on the table the substitute offered by Mr. T. J. Chambers. Lost.

And the substitute [was] adopted.

The first section as amended was then adopted.

Mr. Wiley offered the following as a substitute for the 2nd section.

"That said volunteer force shall be enlisted into the service of the State of Texas or of the Confederate States for the term of twelve months if not sooner discharged; provided, however, that should the government of the Confederate States adopt and accept said force as a portion of its military organization, then the same shall be considered in the service of said government and subject to such laws and regulations as may be adopted by the same."

Mr. Nelson moved as a substitute for the substitute offered by Mr. Wiley, to amend the 2nd section by striking out the words in the 3rd line, "State of Texas become one" and insert in lieu thereof "government," and by striking out the words "the government thereof" in the 4th line of the same section. Adopted.

And the amendment [was] adopted.

Mr. Allen moved to amend by striking out in the 1st line of the 2nd section the word "enlisted" and inserting in lieu thereof "enrolled and mustered." Adopted.

The second section was then adopted.

On motion of Mr. Wilcox of Bexar the 3rd section was amended by striking out the word "two" in the 2nd line, before the word "majors" so as to make the section read "one major" instead "two majors."

Mr. Payne of Hopkins offered the following amendment to come in after the word "ordain" in the 1st section. "That there shall be appointed by the President of this Convention, by and with the advice and consent of a majority of the members of the Convention, a brigadier general who shall have the chief command of said military force, subject to continuance in office by the president of the Confederate States of America," and, also striking out in the 5th and

6th line the following words, "and the senior colonel of said military force shall command the same"

On motion of Mr. Cleveland laid on the table

Mr. Nicholson of Fannin offered the following as a substitute for the section as amended.

"Be it further ordained that for the command of the regiment of artillery and infantry there shall be elected by this Convention, for each of said regiments, one colonel, one lieutenant colonel and one major; and for the corps of engineers, one major, two captains, and four lieutenants; and for the command of the two regiments of mounted men, there shall be elected by the men composing each of said regiments, one colonel, one lieutenant colonel and one major; and all officers of equal grade shall take precedence, to be evidenced by commission which shall be issued by the President of this Convention, and the senior colonel of said military force shall command the same, and be subject and report to such authority as this Convention may direct."

Mr. Wilcox of Bexar moved to lay the substitute on the table. Carried by the following vote:

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Box, Brahan, Brown, Campbell, T. J. Chambers, Chilton, Clayton, Cleveland, Cox, Davidson, Devine, Feeney, Flournoy, Ford of Caldwell, Hardeman, Hays, Henry, Hill, Howard, Hunt, Ireland, Jones, Koester, Lea, Lubbock, Maltby, Mason, McCall, McCraw, Miller, Montgomery, Moss, Newsom, Nicholson of Dallas, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Preston, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Shuford, Scurry, Shepard, Stapp, Stell, Stockdale, Taylor, Terry of Tarrant, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton and Wright, 67.

Nays, Mesrs. Bagby, Batte, Baxter, Black, Blythe, Broaddus, Wm. Chambers, Chisum, Clopton, Coke, Dancy, Davenport, Dean, Dunham, Earley, Gould, Graham of Rusk, Hall, Henderson, Hicks, Hobby, Hogg, Holland, Hooker, Hoyle, Jennings, Kelly, Locke, McIntosh, Moore of Fayette, Nash of Dallas, Nash of Kaufman, Nelson, Nicholson of Fannin, Peck, Prendergast, Rhome, Russell, Scott, Smith of Fannin, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Thompson, Throckmorton, Warren, and Word, 47.

On motion of Mr. Ford of Caldwell the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin Texas,
Friday, March 15, 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

Mr. Moss submitted a communication from Capt. Jas. Walker, of the county of Lavacca. Referred to the committee on Public Safety.

Mr. Ireland from the committee on Foreign Relations made the following report.

"The committee on Foreign Relations instruct me to report that they have examined the application of Lieutenant Stephens, who held a commission in the army of the United States, and believing him to be a meritorius applicant recommend that his services be accepted under the conditions and provisions of an ordinance reported by your committee, entitled 'an ordinance accepting the services of such of the late officers of the army of the United States, as have resigned and tendered their services to the State of Texas.' Your committee have also had under consideration the application of Thos. G. Williams, and the committee are not informed of the resignation of said Williams of the commission held by him in the army of the United States. That they have also had under consideration the application of Jno. M. Bronaugh and W. T. Maclin, and we are advised that neither of these gentlemen held commissions in the army of the U. S. at the date of secession, or shortly before that period, and therefore think it improper to entertain these applications. Your committee desire to be understood as not intending to give any opinion as to the merits or demerits of these gentlemen, and only intend to say by this report that it has been formerly determined by the committee and endorsed by the Convention, that we would only act upon the applications of such persons as held commissions in the army of the United States and who has resigned in consequence of secession.

"All of which is respectfully submitted.["]

The President submitted a communication from Capt. W. A. Wallace of the county of Bexar.[68] Referred to the committee on Public Safety.

Mr. Lea, chairman of the committee on Foreign Relations, submitted the following report.

---

[68] W. A. Wallace wrote from Selma, Bexar county, March 10th, that he had raised a company of which he had been elected captain, and tendered their services to the State. (A. L. S. in Miscellaneous Papers of the Secession Convention.)

The committee on Foreign Relations begs leave to report in part, with leave to report further, on a resolution referred to it, as follows, viz: "Resolutions concerning fugitives from service and from justice."

The present subject is fugitives from service, and it is commended to immediate attention of the Convention by many considerations. The subject is conspicuous among the relations, past, present and prospective of this State to other States of the United States of America, and of the Confederate States of America and to foreign countries in general. This State, in taking its new political relation, may well declare its policy on this subject, in a practical manner, so as to be most imposing and effective for accomplishing the important object of mutual extradition between this State and other countries. Extradition of a fugitive from service is based on the justice and comity which one country owes to another, or the unquestionable principle of doing to another what would be claimed. Right to personal service according to local law is property entitled to legal security by appropriate provisions, as any other property. A right of property in any movable subject goes with that subject, even into a foreign country; and it is the general province of municipal law to afford a remedy for loss of property wherever it may be found. Consequently the absence of such a remedy implies a dereliction in the local government to perform its duty, unless some conventional law intervenes to supersede such duty. But a conventional remedy unless plainly preclusive of municipal remedy would be only cumulative; and the duty to provide a municipal remedy would remain. Now there is not any conventional remedy which precludes this State from making appropriate provision for extradition from this State to any other country; nor is it probable that any treaty will preclude this State from the performance of such duty. The constitution, laws and treaties of the United States of America did not preclude any State from accomplishing such extradition by its own officers. That constitution did not give to the federal government exclusive judisdiction of extradition, even among the States; nor did it give express authority to that government to legislate on this subject; and its constructive authority has not been exercised so as to embarrass any State in its separate action in this respect; so there remained to every State the right and duty of affirmative legislation to promote the original comity and justice which were recognized, not created, but enjoined by that constitution. We may presume that the constitution, laws and treaties of the Confederacy on this subject will be substantially similar to those of the Union. But if those of the Confederacy should be found at any time to trench on State action, yet it would continue effective, as the general rule, except as specially abrogated.

A general provision for such extradition. adopted by this Convention, with reference to every other country, would place this State on the highest eminence of principle. It were enough for her to do right for its own sake, leaving others to imitate or repudiate the example.

But such action on the part of this State would scarcely fail to superinduce favorable reciprocity. Such imitation of our example would have some advantages even from neighboring States of the Confederacy, while from other coterminous countries it would be of inestimable value in the assured security of slaves even on the northern and western borders of this State. So that its whole area as far as eligible could receive such property. All the future must be comprehended to appreciate such facilities for expansion. Every mind will indulge its own speculations; but all can immediately realize some mutual benefits of reciprocal extradition between northern Texas and the Choctaw, Chickasaw, Creek and Cherokee nations, and between western Texas and the neighboring States of Mexico. The assurances are quite satisfactory that such reciprocities would be promptly inaugurated, if this State should establish a conciliatory example.

Moreover, the present institution of such a liberal policy of extradition by this State would conduce to vast results beyond the mere delivery of fugitives. The measure would be identified with the present epoch and constitute a part of the great operation in which this State is participating to establish a system of government which may maintain true liberty for assimilated races of white people on the fundamental distinction between them and the other races of men, with the consequent distinction between free citizens and servants, to be respected by all governments according to rights established by each in its municipal law.

The committee has only touched some points of the subject, considering elaboration as neither necessary or expedient.

With such views the committee respectfully reports herewith the draft for an ordinance and recommends its adoption.

"An ordinance to provide for extradition of persons bound to service, and fugitive therefrom.["] Read 1st time.

On motion of Mr. Ireland 200 copies of said ordinance were ordered to be printed.

On motion of Mr. Jennings it was ordered that 200 copies of ordinances and report from the committee on Citizenship be printed.

An Ordinance to amend the first and second Sections of Article third of the Constitution of the State of Texas.[69]

---

[69] The report of the committee on Citizenship has not been found. The ordinance here printed is probably one of those referred to; it is copied from the printed bill in Miscellaneous Papers of the Secession Convention.

The people of the State of Texas, by their delegates in Convention assembled, ordain that Section first of Article third shall hereafter read as follows:

Article III.

Section 1. That all persons who were citizens of the State of Texas on the second [2] day of March, eighteen hundred and sixty-one; all persons born after that time of a parent, [3] citizen of this State; or of a parent residing in and entitled to acquire the rights of [4] citizenship in this State; all citizens of either the Confederate States of America or [5] of any State which may hereafter be admitted into union with the Confederate States [6] of America on terms of equality with them, immigrating to and permanently residing in [7] this State; all persons naturalized by the Constitution and laws of the Confederate States [8] of America and of this State (Indians not taxed, Malays, Hindoos, Chineese, Negroes and [9] their descendants, Peones or persons held to labor for life, a term of years, or an indefinite [10] time, by the law of the country from which they may have emigrated to this [11] State, and all persons convicted of crimes declared infamous by the laws of this State [12] not to include political offences in foreign countries respectively excepted) shall be citizens [13] of the State of Texas.

The second Section of Article third shall hereafter read as follows:

Sec. 2. All free male citizens of this State over the age of twenty-one years who shall [2] have resided in this State one year next preceding an election, and the last six months [3] in the district, county, city or town, in which they offer to vote shall be deemed qualified [4] electors; and should any such qualified elector happen to be in any other county, [5] situated in the district in which he resides at the time of an election, he shall be permitted [6] to vote for any district officer, and qualified electors shall be permitted to vote [7] anywhere in the State for State officers, provided that no soldier, seaman or marine in [8] the regular army or navy of the Confederate States of America, shall be entitled to vote [9] at any election created in this Constitution.

Mr. Locke submitted the following report.

The committee on Engrossment beg leave to report that they have examined the bill entitled "an ordinance to amend the 1st Sec. of the 7th Art. (General provisions) of the constitution of the State of Texas" also an ordinance, entitled "an ordinance to provide for the continuance of the existing State Government," and find the same correctly engrossed.

Mr. Graham of Rusk introduced "an ordinance concerning foreign coin." Read 1st and 2nd times and, On motion of Mr. Henderson referred to the committee on the Constitution.

Mr. Cleveland introduced "an ordinance amending the 37 Sec. of the 7th Art. of the constitution of the State of Texas." Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Hicks offered the following resolution

"Resolved that the committee on the constitution be instructed to report an ordinance authorizing the legislature to provide for calling a Convention to amend the constitution, whenever it may in the judgement of the legislature need amendments."

Referred to the committee on Constitution.

Mr. Lea offered the following resolution which was referred to the committee on Commerce and Navigation.

"Resolved that the representatives of this State in the congress of the Confederate States of America be instructed to use their exertions to procure such provisions as will place the principal entrances into bays of Texas on terms of legal equality as to ports of entry and collection districts, with a common privilege of transit from any district through any other district for exportations of bonded goods, so that merchants may have opportunities without legal embarrassments, and with best facilities to use the most eligible routes of transit."

Mr. Mason presented a communication from the committee of safety of Galveston county which was laid on the table, and,

Introduced "An ordinance to guard the State from invasion by sea." Read 1st and 2nd times and referred to the committee on Commerce and Navigation.

On motion of Mr. Campbell, Mr. Mason was added to the committee on Commerce and Navigation.

Mr. Kelly introduced the following resolution which was referred to the committee on the Constitution.

"Whereas it is believed that United States district courts as heretofore held in the State of Texas have been detrimental to the best interests of the citizens of said State, and whereas it is believed that the business heretofore transacted by said court can be as well or better done by the district courts of the State, therefore,

"Resolved by the people of Texas in Convention assembled that we recommend to our delegates in the congress of the Confederate States to use their influence to abrogate and annul similar courts in the constitution of the Confederate States so far as relates to civil suits, giving such powers to the district courts of the State."

Mr. Campbell introduced the following resolution which was adopted.

"Resolved that this Convention has heard with profound satisfaction of the election of Jefferson Davis of Mississippi, and Alexander H. Sephens of Georgia to the offices of president and vice-president of the provisional government of the Confederate States of America, and that in their well known ability, experience and patriotism the country possesses ample guarantees that the high and important functions confided to them will be so administered in these times of peril as to redound to the safety, security and best interests of the people.

"Resolved that a copy of the foregoing resolution be communicated to our members of congress at Montgomery."

The President submitted the following to the Convention

In obedience to an ordinance ratifying the constitution of the provisional government of the Confederate States, I appointed Capt. Jno. G. Todd and Stephen P. Hollingsworth Esq. to carry the same to our delegates in the congress at Montgomery, Alabama, and issued to each of them a commission of which the following is a copy.

O. M. Roberts,
President of the Convention.

March 15th, 1861.

Commission.

Austin Texas, March 6th 1861.

To the Hon. Jno. Gregg, W. S. Oldham, W. B. Ochiltree, T. N. Waul, Jno. H. Reagan, John Hemphill, Lewis T. Wigfall, Delegates, etc.

Dear Sirs,

By the authority of the Convention I have appointed Capt. Jno. G. Todd and Stephen P. Hollingsworth Esqr. to bear these despatches to you. It has been entrusted to both in order to prevent any failure and to facilitate the greatest despatch. Mr. Hollingsworth will return to Austin immediately, subject to your directions on the subject.

With great respect, yours truly

O. M. Roberts
President of the Convention

The President submitted the following communication.

To the Hon. Jno. D. Stell, Vice-President of the Convention.

I beg leave to report that in discharging the duties imposed upon me by the resolution of this Convention authorizing the raising of $100,000.00, I appointed E. B. Nichols, of Galveston, a delegate of this Convention, a commissioner to negotiate a loan, and in order to facilitate the disbursement of the fund obtained under said loan, I appointed the same person also the disbursing agent, inasmuch as I could not, consistently with other duties, superintend the same, which fully appears by the report of the committee of Safety, and by the report which said Nichols will make to the Convention of his acts. This is submitted to the Convention as showing the manner in which I have discharged the duty assigned me.

O. M. Roberts
President of the Convention.

On motion of Mr. Jennings the communication was referred to the committee on Finance.

On motion of Mr. Montgomery the Secretary announced the sum total of the official vote received up to this time upon the ratification or rejection of the Ordinance of Secession, which was as follows

For secession 46,129; against secession 14,697 votes; majority for secession 31,432 votes.

On motion of Mr. Dancy 1000 copies each of the ordinance to amend the 1st Section of the 7th Article (General provisions) of the State constitution, and "the ordinance to provide for the continuance of the existing State government,[''] were ordered to be printed.

On motion of Mr. Cleveland, Mr. Maxey was granted leave of absence.

Orders of the Day.

The hour having arrived for the special order, the Convention proceeded to the administration of the oath of office to such officers of the State government as were delegates to the Convention, as follows.

The Hon. Thos. J. Devine, judge of the 4th judicial district, administered the oath of office to the Hon. O. M. Roberts as associate justice of the supreme court of the State

Mr. Justice Roberts of the supreme court then administered the oath of office to

Thomas J. Devine, judge of the 4th judicial district.

A. W. O. Hicks, judge of the 5th judicial district.

Wm. S. Todd, judge of the 8th judicial district.

George Flournoy, as attorney general of the State, who has been notified by the President to appear and take the same at this hour.

To D. M. Stapp, collector of customs in the district of Saluria

To F. S. Stockdale, J. W. Throckmorton, J. N. Fall, Jno. G. Chambers, senators of the State legislature from their respective districts

To Eli H. Baxter, Jas. W. Henderson, Wm. Clark, Wm. H. Stewart, Jas. Walworth and Allison Nelson, representatives in the State legislature from their respective districts

To W. Hunt, county commissioner, Victoria County

To Chas. De Montel, county commissioner, Medina County

To Sam S. Smith, county clerk, Bexar County

To J. L. Holland, county treasurer, Jasper County

To E. M. Ross, chief justice, Bandera county

To T. M. McCraw, as justice of the peace and county commissioner of Llano county.

To W. A. Allen, deputy surveyor, Hardin County.

To C. M. Lesueur, county commissioner, Milam County.

To A. S. Broaddus, notary public, Burleson County.

To Jos. P. Wier, notary public, Hill County.

To Thos. J. Nash, county commissioner, Dallas County.

To Lewis P. Moore, notary public, Henderson County.

To Alfred M. Hobby, notary public, Refugio County.

To Chas. A. Russell, county surveyor, Karnes County.

On motion of Mr. Ireland the Convention adjourned until 3 o'clock P. M.

Friday, March 15th, 1861. 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The ordinance to provide for the military defense of the State, special order for the day, being next in order was taken up, and the question being upon the engrossment of the 3rd section as amended, the same was read.

Mr. Stell moved a reconsideration of the vote taken on yesterday, which resulted in laying upon the table the substitute for the 3rd section offered by Mr. Nicholson of Fannin.

On motion of Mr. Cleveland the motion to reconsider was laid upon the table by the following vote

Yeas, Mesrs. President, Adams, Allen, Armstrong, Askew, Batte, Box, Brahan, Brown, T. J. Chambers, Chambers of Titus, Chilton, Clayton, Cleveland, Davidson, Devine, Feeney, Ford of Caldwell, Green, Hardeman, Hays, Henry, Hill, Hobby, Holland, Hunt, Jones, Koester, Lea, Lubbock, Mason, McCall, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nicholson of Dallas, Norris, Obenchain, Poag, Portis, Preston, Robertson of Washington, Rogers of Marion, Rugeley, Runnels, Scarborough, Scurry, Shepard, Smith of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Todd, Waller, Walworth, Watkins, Wharton, Wier and Wilcox of Bexar, 68.

Nays, Mesrs. Bagby, Beazley, Black, Broaddus, Wm. Chambers, Chisum, Clark, Coke, Cox, Dancy, Davenport, Dean, Dunham, Early, Fall, Gould, Graham of Rusk, Hall, Henderson, Hicks, Hogg, Hooker, Hoyle, Hutcheson, Jennings, Johnson of Lamar, Kelly, Lester, Locke, McIntosh, Moore of Fayette, Nelson, Newsom, Nicholson of Fannin, Payne of Hopkins, Prendergast, Rhome, Robertson of

Bell, Russell, Scott, Shuford, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonazles, Thompson, Throckmorton, Warren, Wilcox of Denton, Wiley, Wilson, Word and Wright, 53.

On motion of Mr. Graham of Rusk, the special order was laid over for the present.

The President submitted the muster roll of Capt. F. E. Finney's company of volunteers, called the Hopkins Rifles. Referred to the committee on Public Safety.

Also the muster roll of Capt. R. J. Lee's company of cavalry, called Red River Rangers. Referred to same committee.

Also the muster roll of Capt. Wm. P. Townsend's company of cavalry, called Sterling Guards. Referred to same committee.

The President submitted, through Mr. Chilton, the following communications

Austin Texas March 14th 1861.

Hon. Geo. W. Chilton.

Dear Sir.

You are respectfully requested to present to his Excellency General Sam Houston, Governor of the State of Texas, the accompanying notice and copy of ordinances, at your earliest convenience, and report your action thereon to the Convention, and oblige

Your most obt. sevt.
O. M. Roberts
President of the Convention.

Austin, Texas, March 14th 1861.

To His Excellency, Sam Houston,
Governor of the State of Texas.

Sir,

An ordinance has this day been adopted by the people of the State of Texas, in Convention assembled, prescribing an oath of office for all officers of the State of Texas who held office on the 2nd day of March 1861, and those thereafter elected to office.

By the provisions of said ordinance it is made my duty, as President of the Convention, to notify you of this action and appoint a day and hour, within three days from the passage of the same, at which said oath shall be administered to the Governor, Lieutenant Governor, Treasurer, Comptroller, Secretary of State, Attorney General and Commissioner of the General Land office in open Convention in the Representative Hall.

I therefore in the discharge of said duty most respectfully notify and advise you, as Governor of the State of Texas, that on Saturday the 16th day of March 1861, at 12 o'clock, M, the Convention will be prepared to receive your Excellency, and the appointed officers under said ordinance, to administer the oath of office prescribed.

Trusting that said day and hour may suit the convenience of your Excellency, I have the honor to be your obdt. servt.

O. M. Roberts,
President of the Convention.

Representative Hall,
Austin Texas March 15, 1861.

To the Hon. O. M. Roberts,
President of the Texas State Convention.
Sir,

In compliance with your written request, handed me on yesterday, I called at the Executive Office at ½ past 4 o'clock, P. M.,[70] of the 14th inst., but did not find the Governor in office. Deeming it but due to Gen'l Houston that the action of the Convention should be made known to him at as early a period as possible, I ventured to trespass upon his private moments, and called at the Executive Mansion, at 8 o'clock, P. M., when I had the pleasure of meeting his Excellency, and delivered into his hands your communication and a certified copy of "An ordinance to amend the 1st Section of the 7th Article (General provisions) of the Constitution of the State of Texas," and also a certified copy of "An ordinance to provide for the continuance of the existing State government," adopted March 14th 1861. I did not demand an immediate reply from the Governor, but agreed to call upon his Excellency at 1 o'clock P. M. of to day; which I accordingly did, at the Executive Office, in the City of Austin.

At that time, the Governor, Genl. Sam Houston, handed me the communication from yourself and also the copies of the ordinances above named, with the request that I should return them to you, and state that he did not acknowledge the existence of the Convention, and should not regard its action as binding upon him. As I am reporting a conversation, for the accuracy of which I am alone responsible, I will only add that the Governor expressed a high regard for the individual members of the Convention, which he requested I should communicate.

Having discharged the duty imposed upon me, I have to request that you will lay this report, together with the accompanying documents, before the Convention for such action as may be necessary and proper.

I have the honor to remain your obdt. servt.

Geo. W. Chilton.

---

[70] The Journal gives the time as "1 ½ o'clock, P. M." The original report of Mr. Chilton has been followed.

On motion of Mr. Terry of Tarrant the Convention adjourned until 9 o'clock, to morrow morning.

City of Austin Texas, Saturday March 16/61.

The Convention met pursuant to adjournment. Roll called. Quorum present: Prayer by the chaplain. The Journal of yesterday was read and adopted.

Mr. Word presented the credentials of Samuel A. Wilson, a delegate elect from the county of Tyler vice Philip A. Work resigned. Referred to the committee on Credentials, and the Secretary ordered to enroll his name.

By leave Mr. Chilton offered the following resolution which was adopted.

"Resolved that the Secretary of the Convention be and he is hereby instructed to incorporate in the Journals of the Convention the citizens call upon which the Convention was assembled, and also the act of the legislature approving and endorsing the same, together with the vote thereon in each house.["]

Mr. Scarborough offered the following resolution.

"Whereas it has come to the knowledge of this Convention that hostile Indians have commenced depredations on the frontier, therefore, be it resolved that Col. Jno. S. Ford and Henry McCulloch, who have been assigned commands by this Convention, be and they are hereby authorized to retain in their said commands not to exceed 1000 mounted men each until this Convention, the legislature of the State, or the government of the Confederate States makes other and more permanent arrangements.

"Resolved that Cols. Ford and McCulloch be instructed to proceed at once to secure the safety of the frontier of the State.["]

Mr. T. J. Chambers offered the following amendment to come in after the word "once" in the last line but one, "To complete and perfect their respective regiments so as to comprehend 1000 men each and."

On motion of Mr. Hogg the resolution and amendment were laid on the table by a ~~the following~~ vote. 79 to 37.

Yeas, Mesrs. President, Adams, Armstrong, Bagby, Baxter, Beazley, Burditt, Black, Blythe, Brahan, Brown, Campbell, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Dancy, Davenport, Davidson, Dean, Devine, Earley, Fall, Ford of Caldwell, Graham of Rusk, Green, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Hoyle, Hunt, Jennings, Jones, Lea, Lester, Lubbock, Mason, McCall, McCraw, Miller, Moore of Burnet, Moore of Fayette, Moss, Nash of Dallas, Nash of Kaufman, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Rugeley, Shuford, Smith of Fannin, Smith of Bexar, Stapp, Stell, Stewart of Anderson, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Todd, Warren, Watkins, Wharton, Wilcox of Bexar, Wier, Wilson of Hunt, Wilson of Tyler, Word and Wright, 91. 91

Nays, Mesrs. Allen, Anderson of Colorado, Askew, Box, Broaddus, Wm. Chambers, T. J. Chambers, Cox, Dunham, Feeney, Gould, Hall, Hardeman, Hutcheson, Ireland, Johnson of Lamar, Kelly, Koester, Lesueur, Locke, Maltby, McIntosh, Montgomery, Montel, Nauendorf, Neel, Nelson, Robertson of Bell, Robertson of Washington, Ross, Russell, Scarborough, Scott, Scurry, Shepard, Stewart of Gonzales, Waller, Walworth, Wilcox of Denton and Wiley, 37. 37

The President submitted the following communications, which were referred to the committee on Public Safety.

Texas Schooner *Henry Dodge*
March 2nd 1861.

Sir

Having resigned your commission in the revenue cutter service of the United States, I do by virtue of authority vested in me as captain by the Committee of Safety of the Convention of the people of the State of Texas appoint you a lieutenant of this vessel subject to the approval of said Convention.

Wm. J. Rogers
Captain.

To Lieut. Wm. G. Roche.

Texas Schooner *Henry Dodge*
March 11th 1861.

By virtue of the authority vested in me as captain by the Committee of Public Safety of the Convention of the people of the State of Texas I do appoint you a lieutenant of this vessel subject to the approval of said Convention.

Wm. J. Rogers
Captain.

Texas Schooner *Henry Dodge*.
Galveston, March 12th 1861.

Sir,

When this vessel was taken possession of by authority from the Convention I resigned my commission in the service of the United

States and was immediately placed in command. Lieut. Roche and myself were the only commissioned officers on board at the time. He also resigned, and as the gentleman who was authorized to take possession of the vessel, was instructed to consult me in regard to appointments, and as it is so important that I should have reliable men such that I could associate with, depend upon and consult with, and flattered by the confidence reposed in me, I have appointed Wm. G. Roche and Robert M. Rogers lieutenants, subject to the approval of your honorable body, and as I may be called upon to perform some important duty, and as there is a possibility of my authority being questioned I would respectfully ask that the necessary commissions be sent. Very respectfully

Wm. J. Rogers
Cap't.

To Hon. O. M. Roberts
President of the Convention of Texas, Austin.

I would have addressed your honorable body on taking command of the vessel, but was of the impression that a committee would come down.

Respectfully,
Wm. J. Rogers
Cap't.

Texas Schooner *Henry Dodge*
Galveston March 13th 1861.

Sir:

I would have addressed you upon assuming the command of the vessel, but being of the impression that a committee from the Convention would visit Galveston and I would then have an opportunity to consult with them.

As this vessel is the only naval property that Texas owns, and it is so important that this bay and harbor should be properly guarded, I deem it my duty to earnestly request that she be hauled upon the ways and the necessary repairs put upon her, as the state she is now in renders her inefficient as an active cruising vessel. Every day's delay will be an additional expense. I think with proper economy 1000 or 1200 dollars[71] will be sufficient for the present. I shall until otherwise directed by your honorable body use every precaution in guarding the entrance to the harbour.

Very respectfully
Wm. J. Rogers
Capt.

To Hon O M Roberts
President of the Convention of Texas

---

[71] The Journal has "$2000;" the original letter has been followed.

On motion of Mr. Scarborough the rules were suspended and the Convention proceeded to the consideration of "the ordinance to provide for the military defence of the State."

The 3rd section being under consideration,

Mr. Henderson offered the following resolution.

"Resolved that this Convention will elect the field officers of the regiments of artillery and infantry, and that the companies comprised in the mounted regiments shall elect the field officers of the same.[")

Mr. Stell, in the chair, ruled the resolution out of order

Mr. Dancy offered the following amendment which was adopted. "In the 3d line, 3d section, strike out the words "all of" etc "each in succession," and insert after "elected" the words "in the order in which they are hereinbefore named."

Mr. Hogg offered the following amendment to come in at the end of the 3rd section. "Provided that the officers of one of said regiments of mounted men, also the officers for inrolling or raising the companies to compose said regiment, shall reside in the eastern congressional district of this State."

On motion of Mr. Chilton the ordinance was laid upon the table for the present, and

The Convention proceeded to the consideration of the special order for this hour.

12 O'clock M.

The President announced that the hour had arrived for administering the oath of office prescribed by "the ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas" to the officers of the State government, according to the terms of "the ordinance providing for the continuance of the existing State government," which was adopted on the 14th day of March A. D. 1861, and in pursuance of written notice given the officers therein named by the President of this Convention.

Whereupon the President announced that it was in order for Genl. Sam Houston, the Governor of the State, to come forward and take the oath prescribed in the manner prescribed, should he choose so to do.

Governor Houston not making his appearance, after waiting a reasonable time,

The President announced that it was in order for the other officers named in "the ordinance to provide for the continuance of the existing State government" to come forward and take the oath of office prescribed.

Whereupon the following officers came forward and were qualified.

Edward Clark, Lieutenant Governor of the State.

Clement R. Johns, Comptroller of the State.

Cyrus H. Randolph, Treasurer of the State.
and Francis M. White, Commissioner of the General Land office.

E. W. Cave, the Secretary of State being requested to come forward and take the oath prescribed, and not making his appearance, after waiting a reasonable time the Convention proceeded to other business, when

Mr. Mason offered the following resolution.

"Whereas the Governor and Secretary of State of the State of Texas have failed to appear in this Convention and take the oath prescribed in the ordinance adopted on the 14th day of March A. D. 1861, entitled "an ordinance to provide for the continuance of the existing State government, "therefore,

"Resolved that the office of Governor and Secretary of State of the State of Texas are hereby declared to be vacant.[″]

Mr. T. J. Chambers offered the following amendment "and that the Lieut. Governor Edward Clark is therefore now the lawful Governor of this State.[″]

Mr. Ireland offered the following as a substitute for the resolution,

"Whereas Genl. Sam Houston, having failed to come forward and take the oath of office as prescribed by this Convention, therefore,

"Be it resolved that this Convention will proceed on Monday next at 12 o'clock, M, to administer the oath of office of governor to Hon. Edward Clark.".

On motion of Mr. Terry of Tarrant the resolution, amendment and substitute were referred to a select committee of "five," Mr. Terry asking to be excused therefrom.

Mesrs. Mason, Chilton, T. J. Chambers, Nelson and Devine were appointed the committee.

Mr. Chilton offered the following amendment which was referred to the same committee. Amend by adding "Provided the 12th Sec. of Art. 5 of the constitution of the State of Texas, be and the same remain in full force and effect so far as it may relate to the duties of lieut. governor."

Mr. Nelson offered the following resolution which was referred to the same committee.

"Whereas the governor of this State and secretary of state have declined and refused to take the oath of office prescribed by an ordinance of this Convention, be it

"Resolved that a copy of this resolution, and the ordinance providing for the continuance of the State government be furnished by the Secretary of this Convention to the speaker of the house of representatives and president of the senate on the meeting of their respective bodies on the 18th inst.[″]

Mr. Devine introduced an ordinance relating to the executive department. Read 1st and 2nd times, and referred to the same committee.

The Convention then proceeded to the consideration of the "Army ordinance."

On motion of Mr. Flournoy the Convention adjourned until 3 o'clock, P. M.

Saturday, March 16, 1861. 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

By leave Mr. Mason, of the select committee appointed this morning, made the following report.

"The select committee to which were referred various resolutions and ordinances, with reference to the failure and refusal of certain officers of the State of Texas to take the oath of office prescribed by "An ordinance to continue the existing State government," adopted March 14th 1861, beg leave to report that they have duly considered the same, and beg leave to submit the accompanying ordinance, as a substitute therefor and respectfully ask its adoption.

"An ordinance in furtherance of an ordinance to provide for the continuance of the existing State government[''] Read 1st time.

Rule suspended, read 2nd time, and ordered to be engrossed.

Rule further suspended, read 3rd time and adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Batte, Baxter, Beazley, Box, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Clopton, Coke, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Henderson, Hicks, Hill, Hobby, Holland, Hogg, Hooker, Howard, Hoyle, Hutchison, Hunt, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Mason, Maltby, McCraw, McCall, McIntosh, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Watkins, Warren, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Tyler, and Word, 127.

Nays, Mesrs. Clark, Throckmorton, Wilcox of Denton and Wright, 4.

Mr. Ireland moved a reconsideration of the vote just taken.

On motion of Mr. Ireland that motion was laid on the table.

The Convention then proceeded to the consideration of the special order, "The ordinance to provide for the military defence of the State."

The amendment offered by Mr. Hogg, to come in at the end of the 3rd section, was adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Beazley, Baxter, Box, Black, Blythe, Broaddus, Wm. Chambers, Chambers of Red River, Chilton, Chisum, Clark, Clayton, Coke, Cox, Dancy, Davenport, Davidson, Dean, Devine, Flournoy, Ford of Caldwell, Graham of Rusk, Hays, Henderson, Hicks. Hill, Hobby, Hogg, Hooker, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Maltby, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Neel, Newsom, Nicholson of Dallas, Nicholson of Fannin, Payne of Hopkins, Poag, Portis, Prendergast, Rhome, Robertson of Bell, Robertson of Smith, Rogers of Marion, Ross, Rugeley, Russell, Runnels, Scarborough, Shuford, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Warren, Watkins, Wharton, Williams of Lamar, Wilson of Hunt, Wilson of Tyler and Wright, 89.

Nays, Mesrs. Brown, Campbell, T. J. Chambers, Cleveland, Hoyle, Lubbock, Mason, McCall, Montel, Montgomery, Nelson, Norris, Obenchain, Palmer, Preston, Robertson of Washington, Smith of Fannin, Walworth, Wier, Wilcox of Denton, and Wiley, 21.

Mr. Paxter moved a reconsideration of the vote just taken.

On motion of Mr. Baxter that motion was laid on the table.

The 3rd section as amended was then adopted.

Mr. Allen moved to amend the 4th section by striking out the 4th, 5th and 6th lines. Lost.

The 4th section was then adopted.

Mr. Broaddus moved to amend the 5th section by striking out the words "this Convention" and inserting in lieu thereof "by the members of each company." Laid on the table.

On motion of Mr. Robertson of Smith the 5th section was amended by adding, "And said officers so elected shall be the enlisting officers for said regiments of artillery and infantry and shall proceed immediately after their election to enlist men for this service."

The 5th section as amended was then adopted.

On motion of Mr. Scurry the 6th section was amended by striking out the word "United" before the word "States" wherever it occurs in the ordinance and inserting in lieu thereof the word "Confederate."

The 6th section as amended was then adopted.

On motion of Mr. Dancy the 7th section was amended by striking out the words "with the rank of major" after the words "quartermaster general," "commissary general" and "surgeon general," and by inserting the word "each" after "paymaster general" in the 4th line.

On motion of Mr. Wilcox of Bexar the 7th section was further amended by striking out in the 11th line the words "President of this Convention" and inserting in lieu thereof "Governor of this State"

The 7th section, as amended, was then adopted.

On motion of Mr. Jennings the 8th section was amended by striking out the word "enlisting" before the word "officer" and inserting in lieu thereof the words "enrolling and mustering."

On motion of Mr. Cleveland the section was further amended by striking out, in the 1st line, the words "elected by this Convention" and inserting in lieu thereof the words "appointed by Edward Clark, Governor of the State"

Mr. Terry of Tarrant moved to amend the section so as to make it read "two enrolling and mustering officers for each regiment"

On motion of Mr. Jennings laid on the table.

The 8th section was then adopted.

On motion of Mr. Todd of Caldwell the Convention adjourned until 8 o'clock, to night.

Saturday, March 16th 1861, 8 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The ordinance to provide for the military defence of the State, being under consideration when the Convention adjourned, was taken up, the question being upon the adoption of the 9th section.

The 9th section was adopted.

The 10th section was adopted.

On motion of Mr. Brown the 11th section was amended by striking out in the 2nd line the words "such oath or affirmation as may be" and inserting in lieu thereof "the oath or affirmation"

On motion of Mr. Lea the 11th section was amended by adding "But this requirement shall cease upon the adoption and acceptance of said force by the government of the Confederate States of America."

The 11th section was then adopted.

The 12th section was then adopted.

Mr. Payne of Hopkins moved to amend the 13th section by inserting after the word "wherever" in the 6th line the words "and whenever," and by adding at the end to the section the following: "That fact to be determined by the president or other constituted authority of the Confederate States of America."

Mr. Wiley moved to strike out the whole section.

On motion of Mr. Brown, that motion was laid on the table.

Mr. Kelly offered, as a substitute for the amendment, to amend by striking out all after the word "frontier" in the 5th line.

On motion of Mr. Wm. Chambers laid on the table.

Mr. Jones moved to lay the amendment offered by Mr. Payne on the table. Lost.

The amendment of Mr. Payne was then adopted.

Mr. Stewart of Gonzales offered the following amendment

"The military corps of engineers and the regiments of artillery and infantry provided for in this ordinance shall not be organized or raised or enrolled until after the assent of the Confederate States of America shall have been obtained, and for that purpose the President of this Convention is hereby authorized to employ a bearer of despatches to the government of the Confederate States of America and return the answer thereto."

On motion of Mr. Robertson of Smith, laid on the table.

The 13th section was then adopted.

Mr. Hall moved to amend the 14th section by adding at the end thereof: "Provided that the regiments of artillery and infantry provided for in this ordinance shall in no case be called into active service unless authorized by the proper authorities of the Confederate States."

Mr. T. J. Chambers moved to amend the amendment by inserting after the word "infantry" the words "and corps of engineers"

Mr. Wm. Chambers moved to lay the amendment and the amendment to the amendment on the table.

Mr. Henderson called for a division of the question, and the amendment offered by Mr. T. J. Chambers was laid on the table.

The amendment offered by Mr. Hall was laid upon the table by the following vote.

Yeas, Mesrs. Adams, Anderson of Colorado, Bagby, Beazley, Box, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clayton, Cleveland, Coke, Cox, Davidson, Devine, Earley, Flournoy, Ford of Caldwell, Hardeman, Hays, Hill. Holland, Hobby, Hogg, Hooker, Howard, Hoyle, Hunt, Ireland, Jones, Koester, Lea, Lubbock, Mason, Maltby, McCall, McCraw, Montgomery, Montel, Moss, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Norris, Portis, Preston, Rainey, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Russell, Scarborough, Shuford, Scurry, Shepard, Smith of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, and Wilson of Tyler, 76.

Nays, Mesrs. Armstrong, Askew, Baxter, Black, Blythe, Broaddus, Chisum, Clopton, Dancy, Davenport, Dean, Dunham, Fall, Feeney, Gould, Graham of Rusk, Hall, Henderson, Henry, Hicks, Hutcheson, Kelly, Lester, Locke, McIntosh, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Newsome, Palmer, Payne of Hopkins, Prendergast, Runnels, Scott, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Thompson, Waller, Warren, Wiley and Word, 44.

The 14th section was then adopted.

Mr. Shepard moved to amend by adding the following.

"Sec. 15. This ordinance shall be subject to amendment or repeal by the legislature of the State, unless the force raised under it shall be received into the service of the Confederate States of America.[")]

On motion of Mr. Terry of Tarrant laid on the table by the following vote.

Yeas, Mesrs. Adams, Allen, Anderson of Colorado, Armstrong, Askew, Box, Black, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chilton, Clayton, Chisum, Cleveland, Coke, Cox, Davenport, Davidson, Devine, Earley, Ford of Caldwell, Graham of Rusk, Hays, Hill, Hobby, Hogg, Hooker, Howard, Hoyle, Hunt, Jones, Kelly, Koester, Lea, Lubbock, Mason, Maltby, McCall, McCraw, Moore of Burnet, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Norris, Portis, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Scarborough, Shuford, Scurry, Smith of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, and Wilson of Tyler, 76.

Nays, Mesrs. Bagby, Baxter, Beazley, Broaddus, Chambers of Red River, Chambers of Titus, Dancy, Dean, Dunham, Fall, Feeney, Gould, Green, Hall, Hays, Henderson, Henry, Hill, Hutcheson, Ireland, Lester, Locke, McIntosh, Montgomery, Moore of Fayette, Moore of Henderson, Newsome, Nicholson of Fannin, Palmer, Payne of Hopkins, Prendergast, Robertson of Washington, Runnels, Russell, Scott, Shepard, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Thompson, Waller, Warren, Wiley, Wilson of Hunt, and Word, 46.

Mr. Stewart of Gonzales moved to amend by adding the following.

"Sec. 15. Be it further ordained that the President of this Convention shall forthwith transmit by a special messenger a copy of this ordinance to the government of the Confederate States of America for its approval and acceptance, and request said government, after making such changes in said military force and organization as it may deem proper, to notify this State of such changes and modifications as soon as practicable, and after said notification to this State, the Hon. Edward Clark, Lieut. Governor, shall immediately cause such notifications and changes to be made."

Mr. Anderson of Colorado moved to strike out the word "lieutenant" before the word "governor."

Mr. Terry of Tarrant moved to lay the amendment and the amendment thereto on the table.

On motion of Mr. Henderson a division of the question was ordered, and the Convention refused to lay either on the table.

The amendment offered by Mr. Anderson was then adopted.

On motion of Mr. Robertson of Washington the amendment was further amended by striking out all after the word "acceptance"

Mr. Portis moved to amend further by striking out all after the words "Confederate States of America." Lost.

On motion of Mr. Throckmorton the amendment was further amended by striking out "a special messenger."

The amendment as amended was then adopted as the 15th section of the ordinance

Mr. Gould moved to amend by adding the following as,

"Sec. 16. Be it further ordained that one of the mounted regiments, the artillery regiment, and corps of engineers, shall not be organized or called into service until they are required under the authority of the Confederate States; unless needed for the defence of the State of which the legislature, or if they be not in session, the governor shall judge."

On motion of Mr. Throckmorton laid on the table.

The Convention having concluded the consideration of the ordinance by sections, Mr. Cleveland moved to amend the 5th section by striking out in the 2nd line the words "elected by this Convention" and inserting in lieu thereof the words "appointed by Edward Clark, Governor of the State," and also by striking out all after the word "2nd lieutenant" down to and including the words, "military force." Adopted.

On motion of Mr. Wharton the Convention adjourned until Monday morning at 10 o'clock.

City of Austin Texas, Monday, March 18, 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain,

The Journal of Saturday was read and adopted.

Mr. Throckmorton presented the credentials of S. P. Beebe, delegate elect from the county of Denton and others.) Referred to the committee on Credentials and the Secretary ordered to enroll his name.

The President submitted a communication from E. B. Nichols, informing the Convention of the evacuation of the posts upon the lower Rio Grande by the United States troops.

Galveston March 15th 1861[72]

Hon O. M. Roberts
Pres[ident] Texas Convention
Sir

We arrived at this place this morning, with a portion of the Troops after having made a satisfactory and peaceable arrangement of the object of our mission. The Str. Genl Rusk returns to the Brazos to convey Four hundred of the U. S. Troops to Florida, from thence to be shipped north. Will communicate farther to-morrow by mail, not having the time this morning being so busily engaged getting the Volunteers off.

Respectfully
E B Nichols

Mr. Robertson of Smith, chairman of the committee of Public Safety, made a report.[73]

The communication and report were laid on the table for the present.

The President submitted the following communication for the information of the Convention.

Montgomery Alabama, March 9th 1861.

To Hon. O. M. Roberts
President of the Convention, Austin, Texas.

The permanent constitution is completed and will be forwarded to your convention early in the week.

Howell Cobb
President of Congress.

---

[72] A. L. S. in Miscellaneous Papers of the Secession Convention.

[73] Perhaps Report No. 3 of the Committee on Public Safety, printed in the Appendix, page 316.

Mr. Scott, chairman of the committee on Credentials, made the following report.

The committee on Credentials to whom was referred the certificate of election of George Mason of Galveston Co., J. L. Holland of Jasper Co., and Samuel A. Wilson of Tyler county, have had the same under consideration, and find the same regular and correct, and recommend that the above named gentlemen be entitled to the privileges of members of this Convention.

Mr. Robertson of Smith, chairman of the committee of Public Safety, made a report.

The President submitted the following communication from Adjutant General Sackfield Maclin.

Head Quarters, San Antonio Texas,
March 16, 1861.

To the President of the Convention.
Sir,

Enclosed please find a letter addressed to the Commissioners upon the subject of Indian depredations. Such letters are daily reaching these Head Quarters. On Thursday last, I ordered one company of men to the Northwest where the Indians were committing depredations. I shall be compelled to order forty men to day in a different direction, as it is beyond question, that the Indians are committing depredations within thirty five miles of this place. The powers given to me by the Convention for the suppression of Indian hostilities are of course limited, but I will give them a liberal construction for the protection of the citizens, until the Convention shall have time to act.

I have the honor to be, Sir,

Sackfield Maclin.
Adjt. Gen. State of Texas

Laredo Texas March 8 1861[74]

Judge Devine
Com[missione]r etc
Dear Sir

You have doubtless received a communication from Chas Callaghan, R. Martin and myself ere this relative to the exposed condition of this frontier. When writing we were entirely ignorant of the fact yet there were at the lowest possible estimate forty Comanches depredating upon our neighbors within fifty miles of the town. Here I give you a list of ruthless outrages committed so far as known with any degree of certainty, to wit.

---

[74] A. L. S. transmitted by Sackfield Maclin in above letter. (In Miscellaneous Papers of the Secession Convention.)

A party of Indians (at that time and place thought to be sixty strong) attacked the settlements on the rio Frio about the 1st Inst and killed an old man and young man and scalped a young girl about fourteen after having given her a very great number of wounds with their lances and left her for dead. She was not dead when I heard from the Frio last. They then passed down and crossed the Nueces River and at a water hole called "El Gato" they came upon six Mexicans who were going to San Antonio with a caballado of fifty horse. Of these they killed one and wounded one, and took all their horses. They then hurried on (having fresh horses) to Los Ojuelos and from there they went to Aberca in Sapata co. where they killed a Mexican boy, and from there to "Las Animas" where they killed a man (Mexican) thence to "San Antonio viejo" where they killed another man (Mexican) then they went to "Las Ascovas" near Rio Grande City, where rumor says they killed sixteen Mexicans and an American family. Previous to arriving there they had taken two Mexican boys prisoners, who (having been retaken) say that while they were with them, that they came upon four Mexicans a pretty woman and two little children in the road in a buggy and that they killed all the party. They killed the little children by forcing mescal down their throats (of course strangled them) At those lower ranchos they took many horses. A small party from this place went out after them under the command of Don Santos Benavides (our mutual friend Chas Callaghan was in the company) and overtook them yesterd[ay] about twenty miles above Los Ojuelos I suppose in Encinal co. when they had a running fight for two or three miles. Our men killed three Indians (whose scalps they bring to town) and retook the two boys prisoners and nearly all the horses (about one hundred and thirty as near as I can ascertain)

The alarm that this terrible masacre has occasioned is incredible and I assure you if we are to be left at the mercy of these chaps we are lost sure. Nearly or quite all the rancheros this side of the Nueces river have moved into Town, and no one can tell when they will have courage to venture out again. Indians have been seen in two or three small parties both above town and out on the San Antonio road during the time that this large body was below.

The party that our men fought was thirty eight strong. Several were supposed to have been wounded, but the party do not count those that they did not get.

I hope in all conscience Judge you will endeavor to do something for this part of the country. I know not by what means but they seem to understand that the troops are rapidly moving from these posts. And nothing can surprise me as to what they will dare to do for I assured you they have no fear of the Mexicans.

I am very respectfully

John C Evins

P. S.

The Troops leave on Monday next. It is not known for certain that the Indians that went down on this side of the Nueces are the same that were on the Frio. Many persons think they were different parties. These crossed the San Antonio road at "Tancacias" and those from the Frio are said to have passed down by the Souse on the N. E. of the Nueces river. Up to date we have heard nothing from the east side of the Nueces river etc.

Mr. Hays offered the following resolution which on motion of Mr. Brown was referred to the committee on Constitution

"Whereas the enlargement of the powers of the federal judiciary of the late United States, so as to embrace matters purely local and properly within the cognizance of the State tribunals, was a gross abuse of the federal system,

"Resolved therefore that it is the sense of this Convention that the jurisdiction of the federal courts of the Confederate States shall be so defined and restricted by law as to avoid a repetition of such abuses; and more especially that the admiralty powers of said courts should be limited to cases arising below tide water; that in other cases the citizens of the respective States should not be subjected to suit in said courts, unless when the Confederate States or one of the States composing the same shall be a party; and that said courts should not be permitted to exercise appellate jurisdiction over the State courts in any case whatever.[")]

Mr. Chisum introduced an ordinance to amend the 34th Section of the 7th Article (General provisions) of the constitution of the State of Texas. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Chambers of Red River offered the following resolution

"Resolved that when this Convention adjourns on Tuesday the 19th inst, that it will adjourn *sine die*.

On motion of Mr. Montgomery laid on the table.

Mr. Montgomery offered the following resolution which was adopted.

"Resolved that a committee of three be appointed by the President to confer with a like committee on the part of the House of Representatives of the Texas Legislature to arrange at what hours it will suit the convenience of said House of Representatives to allow the use of their hall for the sitting of this Convention.["]

The President appointed Mesrs. Montgomery, Nelson and Smith of Fannin as the committee.

Mr. Kelly introduced an ordinance calling a convention to alter or amend the constitution of the State of Texas. Read 1st and 2nd times and referred to the committee on Constitution

Mr. Chilton introduced an ordinance to repeal the 27th Section of the 3rd Article of the constitution. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Kelly offered the following resolution.

"Resolved that this Convention adjourn *sine die* on Friday the 22nd inst, at 10 o'clock, P. M. of said day.["]

Mr. Chilton moved that it be referred to the committee on Business. Lost.

On motion of Mr. Terry of Tarrant the resolution was laid on the table.

Orders of the Day.

The ordinance to provide for the military defence of the State, being under consideration on Saturday last when the Convention adjourned, was taken up and read.

Mr. Norris offered a substitute for the ordinance.

Mr. T. J. Chambers offered the following amendment as a substitute for the substitute offered by Mr. Norris.

"Sec. 15. Be it further ordained that the regiments of infantry and artillery and the corps of engineers, herein provided for, shall not be called into active service or entitled to pay until they are accepted as a part of the military establishment of the Confederate States of America, or in case of emergency they may be called out partly or wholly by the governor of the State, and this ordinance shall be imdiately communicated to the president of the Confederate States, and for that purpose a commissioner shall be elected by this Convention to bear to him the same, and to concert measures with the said presiident for the complete military defense of this State and to agree upon such modifications of this ordinance as may be deemed necessary and proper, provided that the two regiments of mounted men shall not be diminished or withdrawn from the frontier whilst an enemy remains to infest or menace it." Adopted.

Mr. Gray moved that the ordinance be referred to the committee on the Constitution, with instructions to report such amendments to the same as may be deemed necessary to give full power to and make it the duty of the legislature to provide for the protection of the frontier. Lost.

On motion of Mr. Nelson the Convention adjourned until half past seven o'clock, P. M.

Monday, March 18, 1861. 7 ½ o'clock, P. M.

The Convention met. Roll called. Quorum present.

By leave Mr. Montgomery made the following report.

"The select committee appointed to confer with the committee of the House of Representatives with reference to the use of the hall of the House by this Convention beg leave to report, that they have discharged the duty imposed upon them, have conferred with the committee of the House, and that the Hall is tendered by the House of Representatives to the use of the Convention from and after the hour of 2 o'clock, P. M., of each day."

On motion of Mr. Locke the rule was suspended, report taken up, read and adopted, and the committee discharged.

The Convention then proceeded to the consideration of the special order: The question being upon the adoption of the substitute for the 15th section offered by Mr. T. J. Chambers.

On motion of Mr. T. J. Chambers the amendment was amended by adding "And provided further that the regiment of mounted men to be raised by the recruiting officer, sent by the government of said Confederate States and now here, shall be considered as one of the regiments of mounted men contemplated by this ordinance"

The amendment as amended was then adopted.

On motion of Mr. Montgomery the section was amended by striking out all between the words "Confederate States" and the word "provided."

Mr. Stapp offered "an ordinance for the protection of a [the] frontier" as a substitute for the entire ordinance

On motion of Mr. Howard laid on the table.

Mr. Norris offered a substitute for the ordinance, entitled "An ordinance to provide in part for the military defence of the State."

Mr. Moore of Fayette offered the following amendment as an additional section.

"Sec. 11. That this ordinance shall be and remain in full force and effect until otherwise provided by act of the legislature of Texas or by act of the congress of the Confederate States." Adopted.

The substitute was then adopted by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Armstrong, Batte, Beazley, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, Chambers of Red River, Chambers of Titus, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davidson, Dean, Dunham, Feeney, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Gray, Green, Hall, Hardeman, Hays, Henderson, Henry, Hill, Holland, Hooker, Hoyle, Hutcheson, Ireland, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Mason, McCall, McCraw, McIntosh, Montgomery, Moore of Burnet, Moore of

Fayette, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Robertson of Smith, Robertson of Washington, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 108.

Nays, Mesrs. Adams, Baxter, Box, Blythe, T. J. Chambers, Chilton, Davenport, Devine, Earley, Hicks, Hobby, Hogg, Jennings, Maltby, Moore of Henderson, Nicholson of Fannin, Rhome, Rogers of Marion, Shuford, Smith of Bexar, Throckmorton, Todd and Wright, 23.

Mr. Throckmorton moved to amend by adding the additional section.

"That for the subsistance of the mounted regiment herein provided for, it is made the duty of the governor of the State to immediately advertise for sealed proposals to furnish such rations and other requisites as to make the service of said mounted regiment effective. That the proposals for furnishing the subsistence and other requisites shall not be for a less time than three months, and shall be let to the lowest and best bidder. That for the purpose of carrying out the provisions of this ordinance the sum of fifty thousand dollars of the five pr. cent. United States bonds now in the treasury be appropriated, or so much thereof as may be necessary; and it is made the duty of the governor to cause to be issued State bonds bearing six pr. cent. interest to take the place of the United States bonds so used."

Mr. Jennings moved the previous question. Carried and the ordinance was ordered to be engrossed.

On motion of Mr. Stell the rule was suspended, the ordinance read a 3rd time and adopted.

Mr. Henderson moved a reconsideration of the vote just taken

Mr. Ireland moved to lay motion on the table. Carried.

On motion of Mr. Campbell the ordinances reported from the Finance committee on the 14th inst. were taken up and made the special order for tomorrow at 3 o'clock, P. M.

Mr. Stapp offered the following resolution.

"Resolved that there shall be printed for the use of and distribution by the delegates of this Convention 1000 copies of the ordinance adopted by the Convention on the 16th inst. declaring the office of governor and secretary of state vacant."

On motion of Mr. Dancy the resolution was laid on the table

On motion of Mr. Henderson the Convention adjourned until tomorrow at 2 o'clock, P. M.

City of Austin Texas, Tuesday, March 19th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

On motion of Mr. Moore of Henderson, Mr. Harrison of Van Zandt was admitted as a delegate from the county of Van Zandt vice Mr. Payne resigned, and the Secretary ordered to enroll his name, his credentials when received to be referred to the committee on Credentials.

By leave Mr. Wm. Chambers was allowed to record his vote in favor of the passage of "An ordinance to provide for the union of the State of Texas with the Confederate States of America."

The President submitted a communication from Captain J. J. Good.

Also the muster roll of Capt. P. H. Rice's company. Referred to the committee on Public Safety.

Mr. Shepard chairman of the committee on Citizenship made the following report.

"The committee on Citizenship have reconsidered the ordinance reported on the 12th inst. The committee, deeming the question of who are and who may become citizens of the State of so much importance that they should be settled by constitutional provisions, have instructed me to report the accompanying ordinance and recommend its passage.

"An ordinance to amend the 1st and 2nd Sections of Article 3rd of the constitution of the State of Texas." Read 1st time.

Mr. Locke, chairman of the committee on engrossed bills, reported the ordinance entitled, "An ordinance to provide in part for the military defence of the State of Texas,["] to be correctly engrossed.

Mr. Nicholson of Dallas introduced "an ordinance to amend and repeal certain sections of the constitution therein named." Read 1st and 2nd times and referred to the committee on the Constitution.

Orders of the Day.

The report of the majority and minority of the committee on Finance, upon the ordinances reported by a majority of the committee on the 14th inst., being the special order for this hour, were taken up and read.

Mr. Flournoy moved to postpone the further consideration of the ordinances until to morrow, at 3 o'clock, P. M.

Mr. Green moved as a substitute for that motion that the committee on Finance be instructed to confer with a like committee on the part of the two houses of the legislature on the subject of finance and the United States bonds and these ordinances be postponed until the coming in of the report of said conference.

On motion of Mr. Clopton laid on the table.

The motion made by Mr. Flournoy prevailed.

Mr. Graham of Rusk, from the committee on Constitution, reported an ordinance to modify the 7th Sec. of the 7th Art. of the constitution of the State of Texas. Read 1st time.

An Ordinance to modify the 7th Section of the 7th Article of the Constitution of the State of Texas.[75]

Sect. 1. Be it ordained by the people of the State of Texas in Convention assembled, That the 7th Section of the 7th Article of the Constitution of the State of Texas be and the same is hereby so modified as to authorize and empower the legislature to make provision for the payment of the milage and per diem of the members of this Convention, and to make the necessary appropriations to meet the expenses incurred by authority of said Convention.

On motion of Mr. Graham the rule was suspended and the ordinance read a 2nd time.

Mr. Gould moved to postpone the ordinance until tomorrow at 3 o'clock. Lost.

On motion of Mr. Dancy the ordinance was amended by striking out all after the word "That" in the 1st section down to the words "the legislature" and by inserting after those words the following, "be and is hereby authorized and empowered."

On motion of Mr. Gray the ordinance was further amended by inserting after the word "expenses" the words, "debts and liabilities."

On motion of Mr. Dancy the caption was amended so as to make it read "an ordinance relating to the expenses, debts and liabilities of this Convention"

Mr. Cleveland moved to postpone the ordinance until tomorrow at 3 o'clock.

On motion of Mr. Jones laid on the table.

Mr. Davidson moved to reconsider the vote laying the motion to postpone on the table.

On motion of Mr. Dancy that motion was laid on the table

The ordinance was then ordered to be engrossed.

On motion of Mr. Graham the rule was suspended, the ordinance read a 3rd time and adopted.

Mr. Locke offered the following resolution which was laid over one day under the rule.

"Resolved that the Convention will make no change in the State constitution until the same is supported by at least two thirds of the delegates of this Convention"

---

[75] MS. in Miscellaneous Papers of the Secession Convention.

Mr. Payne introduced "an ordinance to amend the 1st Article of the Constitution of the State of Texas." Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Robertson of Washington offered the following resolution which was adopted.

"Resolved that the committee on Printing be instructed to contract for the printing of all matter ordered to be printed by the Convention, upon the basis of the contracts made by the legislature for the public printing, and that said committee be instructed to report the amount expended for printing before the adjournment of the Convention."

On motion of Mr. Cleveland the ordinance reported by the committee on Citizenship was made the special order for Tuesday next, at 3 o'clock, P. M.

Mr. Wier offered the following resolution which was adopted.

"Resolved that this Convention proceed immediately to the election of the commanding officers of the regiment of mounted volunteers, provided for by the ordinance of this Convention passed March 18th 1861."

On motion of Mr. Shepard the Convention adjourned until to night at 7 ½ o'clock.

Tuesday March 19th 1861. 7 ½ o'clock, P. M.

The Convention met. Roll called. Quorum present.

The election of field officers for the regiment of mounted men authorized to be raised by "the ordinance to provide in part for the military defense of the State" being next in order,

On motion of Mr. Hogg it was ordered that the same be *viva voce.*

Nominations for colonel being in order,

Mr. Nelson nominated H. A. Hamner.

Mr. Nicholson of Dallas nominated N. H. Darnell.

Mr. Wharton nominated Jno. S. Ford.

Mr. Hogg nominated F. F. Foscue.

On the 1st ballot the following delegates voted for H. A. Hamner,

Mesrs. Blythe, Broaddus, Campbell, Wm. Chambers, Coke, Harrison, Henry, Lesueur, Nelson, Nicholson of Fannin, Payne of Hopkins, Portis, Prendergast and Scott, 14.

The following delegates voted for N. H. Darnell.

Mesrs. Beebe, Chisum, Cook, Henderson, Johnson of Lamar, Nash of Dallas, Nicholson of Dallas, Obenchain, Throckmorton and Wilcox of Denton, 10.

The following delegates voted for Jno. S. Ford.

Mesrs. President, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Beazley, Black, Brahan, Brown, T. J. Chambers,

Chambers of Red River, Chambers of Titus, Chilton, Clark, Clayton, Cleveland, Cox, Dancy, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hayes, Hill, Hobby, Holland, Hooker, Hoyle, Hunt, Ireland, Jones, Kelly, Koester, Lea, Lester, Locke, Lubbock, Mason, Maltby, McCall, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Moss, Nash of Kaufman, Nauendorf, Neel, Newsome, Norris, Palmer, Poag, Preston, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Russell, Scarborough, Shuford, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Gonzales, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Hunt and Wilson of Tyler, 96.

The following delegates voted for F. F. Foscue.

Mesrs. Box, Clopton, Davenport, Gray, Hogg, Moore of Henderson, Rhome, Stockdale and Word, 9.

Jno. S. Ford having received a majority of all the votes cast was declared duly elected.

Nominations for lieutenant colonel being in order,

Mr. Wilcox of Bexar nominated Mr. Rainey.

Mr. Rainey withdrew his name.

Mr. Baxter nominated W. P. Lane.

Mr. Henderson nominated Jno. R. Baylor.

Mr. Graham of Rusk nominated Mr. McFarland.

Mr. Wier nominated Jno. J. Good.

On the 1st ballot the following delegates voted for W. P. Lane.

Mesrs. Askew, Baxter, Brahan, Campbell, Wm. Chambers, Cox, Davidson, Devine, Feeney, Hall, Hunt, Ireland, Koester, Mason, Moore of Fayette, Montel, Nauendorf, Preston, Rogers of Marion, Ross, Scott, Smith of Bexar, Stapp, Walworth, and Wilcox of Bexar, 23.

The following delegates voted for Jno. R. Baylor.

Mesrs. President, Beebe, Brown, T. J. Chambers, Chambers of Titus, Clayton, Cleveland, Coke, Cook, Dunham, Gray, Hardeman, Henderson, Hill, Hogg, Holland, Hooker, Lester, McCall, McCraw, Miller, Moss, Nelson, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Portis, Prendergast, Rugeley, Russell, Stewart of Gonzales, Stockdale, Waller, Wiley, Wilson of Tyler and Word, 37.

The following delegates voted for Mr. McFarland.

Mesrs. Allen, Armstrong, Batte, Beazley, Box, Black, Blythe, Broaddus, Chilton, Clark, Clopton, Dancy, Davenport, Dean, Fall, Ford of Caldwell, Ganahl, Graham of Rusk, Hays, Henry, Hobby, Johnson of Lamar, Jones, Kelly, Lea, Locke, Maltby, Montgomery, Moore of Burnet, Newsome, Poag, Rhome, Robertson of Washington, Shuford, Stell, Warren, Watkins and Wilcox of Denton, 39.

The following delegates voted for Jno. J. Good.

Mesrs. Anderson of Colorado, Bagby, Chambers of Red River, Chisum, Earley, Flournoy, Gould, Green, Harrison, Hoyle, Lesueur, Lubbock, Moore of Henderson, Nash of Dallas, Nash of Kaufman, Neel, Nicholson of Dallas, Obenchain, Rainey, Robertson of Smith, Runnels, Scarborough, Scurry, Smith of Fannin, Stewart of Anderson, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Wharton, Wier and Wilson of Hunt, 34.

No one having received a majority of the votes cast, the Convention proceeded to a 2nd ballot.

Mr. Baxter withdrew the name of W. P. Lane

Mr. Terry of Tarrant withdrew the name of Jno. J. Good.

The following delegates voted for Jno. R. Baylor.

Mesrs. President, Adams, Askew, Bagby, Beebe, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chisum, Clayton, Cleveland, Coke, Cook, Cox, Dunham, Earley, Feeney, Gray, Hardeman, Harrison, Henderson, Hill, Hogg, Holland, Hooker, Hoyle, Ireland, Lesueur, Lester, Lubbock, McCall, McCraw, Miller, Moore of Fayette, Moore of Henderson, Moss, Nash of Dallas, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Prendergast, Preston, Ross, Rugeley, Runnels, Russell, Smith of Fannin, Stapp, Stewart of Gonzales, Stewart of Anderson, Stockdale, Terry of Tarrant, Thompson, Waller, Wharton, Wilcox of Denton, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 68.

The following delegates voted for Mr. McFarland.

Mesrs. Allen, Anderson of Colorado, Armstrong, Baxter, Batte, Beazley, Box, Black, Blythe, Brahan, Broaddus, Chilton, Clark, Clopton, Dancy, Davenport, Davidson, Dean, Devine, Fall, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hall, Hays, Henry, Hobby, Johnson of Lamar, Jones, Kelly, Koester, Lea, Locke, Maltby, Montgomery, Moore of Burnet, Montel, Nash of Kaufman, Nauendorf, Newsome, Poag, Rainey, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Scarborough, Scott, Shuford, Scurry, Shepard, Smith of Bexar, Stell, Taylor, Todd, Throckmorton, Walworth, Warren, Watkins, Wier and Wilcox of Bexar, 63.

Jno. R. Baylor having received a majority of all the votes cast was declared duly elected.

Nominations for major being next in order

Mr. Davidson nominated W. J. Herbert.

Mr. Nicholson of Fannin nominated Capt. Hamner.

Mr. Lubbock nominated Ed. Waller.

The following delegates voted for W. J. Herbert.

Mesrs. Anderson of Colorado, Baxter, Box, Brahan, Campbell, Clark, Cox, Dancy, Davidson, Dean, Devine, Fall, Ford of Caldwell, Ganahl, Hall, Hardeman, Hays, Hill, Hobby, Kelly, Lester, Maltby, Montgomery, Moore of Fayette, Montel, Rainey, Rogers of Marion, Ross, Rugeley, Scarborough, Smith of Bexar, Stell, Stewart of Anderson, Stockdale, Throckmorton, Walworth, Watkins, Wilcox of Bexar and Wilcox of Denton, 40.

The following delegates voted for Capt. Hamner.

Mesrs. Askew, Batte, Beazley, Black, Blythe, Brown, Campbell, Chambers of Red River, Chisum, Coke, Davenport, Earley, Feeney, Harrison, Henry, Hogg, Hooker, Hoyle, Hunt, Koester, Locke, McCall, McCraw, Miller, Moore of Burnet, Moore of Henderson, Nash of Dallas, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Poag, Prendergast, Preston, Rhome, Robertson of Washington, Smith of Fannin, Thompson, Todd, Warren and Word, 44.

The following delegates voted for Edwin Waller.

Mesrs. President, Adams, Allen, Bagby, Broaddus, T. J. Chambers, Chilton, Clayton, Cleveland, Cook, Dunham, Gould, Graham of Rusk, Gray, Green, Henderson, Holland, Ireland, Jones, Lesueur, Lubbock, Moss, Nash of Kaufman, Palmer, Portis, Robertson of Smith, Runnels, Russell, Scott, Shuford, Scurry, Shepard, Stapp, Stewart of Gonzales, Taylor, Wharton, Wier, Wiley, and Wilson of Tyler, 40.

No one having received a majority of the vote cast, the Convention proceeded to a 2nd ballot.

The following delegates voted for W. J. Herbert.

Mesrs. Armstrong, Box, Brahan, Campbell, Clark, Dancy, Davidson, Devine, Fall, Ford of Caldwell, Ganahl, Graham of Rusk, Hall, Hardeman, Hays, Hill, Hobby, Kelly, Lester, Maltby, Moore of Fayette, Montel, Rainey, Rogers of Marion, Rugeley, Scarborough, Stell, Stewart of Anderson, Stockdale, Terry of Tarrant, Throckmorton, Walworth, Watkins, Wilcox of Bexar and Wilcox of Denton, 36.

The following delegates voted for Capt. H. A. Hamner.

Mesrs. Askew, Beebe, Black, Blythe, Brown, Chambers of Red River, Chisum, Coke, Davenport, Earley, Feeney, Harrison, Henry, Hogg, Hooker, Hoyle, Hunt, Koester, Locke, McCall, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Henderson, Nash of Dallas, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Poag, Prendergast, Preston, Rhome, Robertson of Washington, Ross, Smith of Fannin, Thompson, Todd, Warren, and Word, 47.

The following delegates voted for Edwin Waller.

Mesrs. President, Allen, Bagby, Broaddus, Wm. Chambers, T. J.

Chambers, Chilton, Clayton, Cleveland, Cook, Cox, Dean, Dunham, Gray, Green, Henderson, Holland, Ireland, Jones, Lesueur, Lea, Lubbock, Moss, Nash of Kaufman, Palmer, Portis, Robertson of Smith, Runnels, Russell, Scott, Shuford, Scurry, Shepard, Stapp, Stewart of Gonzales, Taylor, Wharton, Wier, Wiley, and Wilson of Tyler, 40.

No one having received a majority of all the votes cast the Convention proceeded to a 3rd ballot.

Mr. Davidson withdrew the name of W. J. Herbert.

Mr. Todd nominated Mr. McFarland.

The following delegates voted for Capt. Hamner:

Mesrs. Askew, Beazley, Beebe, Black, Blythe, Brown, Chisum, Coke, Cook, Earley, Feeney, Harrison, Hogg, Hooker, Hoyle, Hunt, Koester, McCall, McCraw, Miller, Moore of Fayette, Moore of Henderson, Nash of Dallas, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Preston, Terry of Tarrant, Thompson and Word, 36.

The following delegates voted for Edwin Waller.

Mesrs. Allen, Brahan, Broaddus, Campbell, Wm. Chambers, T. J. Chambers, Clayton, Cleveland, Cox, Davidson, Devine, Gray, Hall, Henderson, Holland, Ireland, Lesueur, Lester, Lubbock, Nash of Kaufman, Palmer, Portis, Rugeley, Scott, Scurry, Smith of Bexar, Stapp, Stewart of Gonzales, Taylor, Throckmorton, Walworth, Wharton, Wier, Wiley and Wilson of Tyler, 36.

The following delegates voted for Mr. McFarland.

Mesrs. President, Anderson of Colorado, Armstrong, Baxter, Chilton, Clark, Dancy, Davenport, Dean, Fall, Ganahl, Graham of Rusk, Green, Hays, Henry, Hill, Hobby, Jones, Kelly, Lea, Locke, Maltby, Montgomery, Moore of Burnet, Montel, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Runnels, Russell, Shuford, Shepard, Stewart of Anderson, Stockdale, Todd, Warren, Watkins, Wilcox of Bexar and Wilcox of Denton, 41.

No one having received a majority of the vote cast, the Convention proceeded to a 4th ballot.

Mr. Wilcox of Bexar moved to adjourn until to morrow at 3 o'clock, P. M. Lost.

The following delegates voted for Capt. Hamner.

Mesrs. President, Askew, Beazley, Beebe, Black, Brown, Chisum, Coke, Feeney, Harrison, Hill, Hogg, Hooker, Hoyle, Koester, McCall, McCraw, Miller, Moore of Henderson, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Obenchain, Payne of Hopkins, Prendergast, Preston, Rhome, Stewart of Anderson, Thompson, Throckmorton and Word, 32.

The following delegates voted for Edwin Waller.

Mesrs. Allen, Bagby, Brahan, Broaddus, Campbell, Wm. Chambers, T. J. Chambers, Clayton, Cleveland, Cook, Cox, Davenport, Devine, Dunham, Gray, Hall, Henderson, Holland, Hunt, Lesueur, Lester, Lubbock, Maltby, Nash of Dallas, Nash of Kaufman, Neel, Norris, Palmer, Portis, Rugeley, Scott, Scurry, Smith of Bexar, Stapp, Stewart of Gonzales, Taylor, Wharton, Wier, Wiley and Wilson of Tyler, 40.

The following delegates voted for Mr. McFarland.

Mesrs. Armstrong, Baxter, Blythe, Chambers of Red River, Chilton, Dancy, Dean, Earley, Fall, Ganahl, Graham of Rusk, Green, Hays, Henry, Jones, Kelly, Lea, Locke, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nauendorf, Poag, Rainey, Robertson of Smith, Rogers of Marion, Ross, Runnels, Russell, Shuford, Shepard, Stell, Stockdale, Todd, Walworth, Warren, Watkins, Wilcox of Bexar and Wilcox of Denton, 39.

No one having received a majority of all votes cast, the Convention proceeded to the 5th ballot.

Mr. Nicholson of Fannin withdrew the name of Capt. Hamner.

The following delegates voted for Edwin Waller.

Mesrs. President, Askew, Beebe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Clayton, Cleveland, Coke, Cook, Cox, Devine, Dunham, Earley, Feeney, Ganahl, Gray, Harrison, Henderson, Holland, Howard, Hoyle, Hunt, Lesueur, Lubbock, McCall, McCraw, Moore of Henderson, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Portis, Prendergast, Preston, Rugeley, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stewart of Gonzales, Taylor, Walworth, Wharton, Wier, Wiley, Wilson of Tyler and Word, 55.

The following delegates voted for Mr. McFarland .

Mesrs. Armstrong, Baxter, Beazley, Black, Blythe, Chisum, Chilton, Dancy, Davenport, Davidson, Dean, Fall, Graham of Rusk, Green, Henry, Hill, Hobby, Hooker, Jones, Kelly, Koester, Lea, Lester, Locke, Maltby, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nauendorf, Newsome, Poag, Rainey, Robertson of Washington, Rogers of Marion, Ross, Runnels, Shuford, Stell, Stewart of Anderson, Stockdale, Thompson, Throckmorton, Todd, Warren, Watkins, Wilcox of Bexar and Wilcox of Denton, 49.

Mr. Waller having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Dancy the Convention adjourned until 2 o'clock, P. M. on to morrow.

City of Austin Texas, Wednesday March 20th/61.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

On motion of Mr. Brown, Mr. Robertson of Bell was excused from attendance upon the Convention on account of sickness.

The President submitted the following communication from the Hon. Geo. Williamson of Louisiana.

New Orleans, La., March 13 1861.

Hon. O. M. Roberts
President of the Texas Convention.

Dear Sir,

I congratulate you personally and officially on the triumphant result of the vote upon the ordinance of secession.

On the 16th ultimo, while in your State, I was requested by the Committee of Public Safety to use my "individual efforts" to procure arms for the State of Texas and also to procure the two pieces of ordnance used at the battle of San Jacinto, known as the "Twin Sisters." I have the pleasure to state that I heartily cooperated with your commissioner, the Hon. J. H. Rogers, in getting such arms as he thought desirable, after the announcement of the news of the surrender of the Military Department of Texas

Immediately on my return I repaired to the State Capital, and after considerable inquiry found that the "Twin Sisters" had been sold several years ago to a foundry in Baton Rouge as *old iron.* Upon applying at the foundry I found one of the guns in a very neglected condition; and ascertained the other was in the possession of a gentleman living in the Parish of Iberville. Having learned these facts, I addressed a letter to the Legislature, recommending that the guns be purchased by the State of Louisiana, put in good order, be well mounted, and presented to the State of Texas.

I am happy to inform you our patriotic and courteous Legislators acted promptly upon the suggestion I had the honor to make; and (as you will perceive from the enclosed letter) the guns will be ready for shipment to Texas in ten or fifteen days. I acknowledge with much pleasure my obligations to the Hon. H. W. Allen of our Legislature for his courteous assistance in placing the suggestion before the honorable body of which he was a member. I trust the guns will soon be again upon the soil they so nobly assisted in rescuing from Mexican tyranny and will be hailed with increased delight because of their auspicious appearance at a time when Texans may again be called to their arms to maintain their rights and free institutions.

I beg leave also to state that while at Baton Rouge, I took occasion to press upon the consideration of the ch[airma]n of the internal improvement committee, (the Hon. N. D. Coleman,) the importance of the joint resolution of your General Assembly with reference to the extension of the Opelousas Rail Road. That honorable gentleman who is always a friend of an enlightened and liberal policy towards public works has made an elaborate report on the subject, a copy of which I hope to be able to send you in a few days. The completion of the road is so important, in a military and commercial point of view, under the new condition of the Gulf States, that I trust the Convention of Louisiana will remove any constitutional restrictions to granting it State aid.

I have thought it my duty to apprise you of the above facts. It is no small gratification to me to know that so far as I have been able my pledges to yourself and the Committee of Public Safety have been redeemed.

With assurances of my profound respect I have the honor to be
Your obdt. svt.
Geo. Williamson.

House of Representatives
Baton Rouge, La. March 7th 1861.

Hon. Geo. Williamson
My Dear Sir

Your letter in relation to the ordnance "Twin Sisters," used at the battle of San Jacinto by the Texans with terrible effect, has been by me presented to the Hon. the Legislature of the State. Action was immediately taken on your letter, a committee appointed to procure the guns, mount the same in a handsome manner, with all the appurtenances for actual sevice. The sum of seven hundred dollars is appropriated to carry out the above and the committee will have the pleasure of forwarding the guns in good order in ten or fifteen days. Allow me Sir to compliment you upon the result of your good offices in behalf of our gallant sister State and ever believe me
Very truly your friend and obdt. svt.
H. W. Allen.

The President submitted the following communication from our delegates in the congress of the Confederate States.

Montgomery 13th March 1861.

To Hon. O. M. Roberts
President of the Convention of the People of Texas.
Sir

The Texas delegation knowing the uncertainty of the mails have procured the adoption of a resolution by congress to forward by special messenger an authenticated copy of the constitution of the Confederate States. We herewith transmit the same as furnished us by the president of the convention. We flatter ourselves that the constitution will prove acceptable. The convention have as will be seen adopted in the main the old constitution, making such amendments as give it the interpretation claimed by the South, and a few additions which we consider decided improvements such as the power of impeachment, the origination of appropriations. You will also see the insertion of two extracts from our own constitution, viz: the clause prohibiting extra pay to contractors, and a provision requiring that a law shall have but one caption. When it is recollected that the Wilmost Proviso was smuggled into an appropriation bill, its importance will be at once recognized. The constitution has been submitted to the Alabama convention now in session and we are assured will be ratified on tomorrow. No doubt is entertained by the delegates from the several States of its immediate ratification by the conventions now in session and to assemble.

It being considered by this government necessary to send a commissioner to the convention in Arkansas, our colleague and fellow citizen the Hon. W. S. Oldham was nominated to the highly responsible position. He accepted under the advice and solicitation of such of our delegation as were here.

It is with the most sincere gratification that we can assure you that the prospects of the government are of the brightest and most auspicious character.

We take occasion to tender to you individually and to the members of the Convention over whom you preside our highest regards.

We are very respectfully,

Thomas N. Waul,
John Hemphill,
John Gregg,
W. B. Ochiltree.
John H. Reagan.

The President submitted the following communications.

Austin March 20th 1861

Hon. O. M. Roberts
President of the Convention of the State of Texas.

Sir

I herewith deliver to you a copy of a communication to me by the

Hon. Howell Cobb, president of the congress of the Confederate States of America, together with the enclosed communication from the Hon. Howell Cobb to you. Also a communication from the delegates of Texas in the congress of the Confederate States of America.

Your obdt. servt.
S. A. Lockridge.

Montgomery 12 March 1861

Sir

By authority of the congress I have appointed you to carry to the president of the State convention of Texas a communication containing a certified copy of the constitution of the Confederate States of America.

Respectfully,
Howell Cobb

To Col S A Lockridge of Texas

Convention of the Confederate States of America.
Montgomery, Alabama, March 12th, 1861.

Hon. O. M. Roberts,
Austin Texas

Sir

I herewith transmit to you a certified copy of the constitution of the Confederate States of America, as it was finally adopted by the unanimous vote of the convention, to be placed before the State convention over which you preside, for its approval and ratification.

It will be seen that the convention here have conformed to the general wish of the people of these States, in adopting a constitution upon the general principles of the constitution of the United States. The departures from the provisions of that instrument have been suggested by the experience of the past and are intended to guard against the evils and dangers which led to a dissolution of the late Union. This constitution is now submitted, with confidence, to the State conventions for their action.

Respectfully
Howell Cobb
President of Convention C. S. A.

[The "Constitution of the Provisional Government of the Confederate States of America" and the "Constitution of the Confederate States of America," recorded on pages 168-189 of the MS. Journal of the Secession Convention and which would, if copied, appear at this point, have been omitted since they are readily accessible in print elsewhere. See, *Statutes at Large of the Provisional Government of the Confederate States of America,* 1-22; Gammel, *Laws of Texas,* IV, 1539-1555, and V, 31-40.]

On motion of Mr. Wiley 200 copies of the constitution of the Confederate States were ordered to be printed.

Mr. Flournoy, chairman of the committee on the Constitution, made the following report.

The committee on the Constitution have instructed me to report the accompanying ordinance, which in their opinion embraces all the amendments to our State constitution which are necessary and proper to be made.

The committee have deemed it inexpedient to make any change in the State constitution, except to adapt it to the fact of our separation from the late "United States" and our confederation with the "Confederate States of America" and provide safety and security to the State and the people thereof. The committee are satisfied that there are many grave defects in our present State constitution which they do not seek to remedy directly by the accompanying ordinance, and to cure which, they do not think, comes necessarily within the scope of their duties.

They have however suggested an amendment to the 37th Sec. of the General Provisions, Art. 7 of the State constitution, which it is believed will accomplish a speedy revision or amendment of that instrument, should the people desire that it should be revised or in any particulars amended.

The committee have also suggested the correction of an inaccurate expression in the 25th Section of the 3rd Article of the constitution.

All of which is respectfully submitted.

"An ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State[")] Read 1st time.

On motion of Mr. Cox 200 copies of the report and ordinance were ordered to be printed.

Mr. Locke, chairman of the committee on Engrossments, reported as correctly engrossed—

"An ordinance relating to the expenses, debts and liabilities of the Convention.[")]

Mr. Scott, chairman of the committee on Credentials, made the following report:

The committee on Credentials to whom were referred the certificates of election of S. P. Beebe of Denton county; Jno. R. Henry, of Limestone county; and Jas. M. Harrison, of Van Zandt county have considered the same and are of the opinion that the above named gentlemen have been duly elected in their respective districts, and that they are entitled to membership in this Convention: all of which is respectfully submitted.

Mr. Graham of Rusk introduced an ordinance to confer jurisdiction over the forts, navy yards, arsenals and light houses in the State of Texas upon the Confederate States of America. Read 1st time.

An Ordinance to confer jurisdiction over the forts, navy yards, arsenals and light houses in the State of Texas upon the Confederate States of America.[76]

Sec 1 Be it ordained by the people of the State of Texas, in Convention assembled, That the provisional government of the Confederate States is hereby authorized to use, occupy and hold possession of all Forts, Navy Yards, Arsenals and Light houses and their appurtenances in this State, and shall repair and rebuild said Forts, Navy Yards, Arsenals, and light houses at its discretion, until this ordinance is repealed by a Convention of the people of this State.

Graham of Rusk

On motion of Mr. Graham the rule was suspended and the ordinance read a 2nd time.

Mr. Robertson of Washington moved to refer the ordinance to the committee on Constitution.

On motion of Mr. Cleveland that motion was laid on the table.

On motion of Mr. Ireland the ordinance was amended by striking out the word "provisional."

On motion of Mr. Lea the ordinance was amended by striking out the following: "at its discretion until this ordinance is repealed by a convention of the people of this State," and inserting in lieu thereof the following: "While this State shall continue a member of said confederacy."

The ordinance was then ordered to be engrossed.

On motion of Mr. Portis the rule was further suspended, ordinance read a 3rd time and adopted.

---

[76] **A. D. in Miscellaneous Papers of the Secession Convention.**

Mr. Robertson of Washington offered the following resolution which was adopted.

"Resolved that the officers having charge of arms, ordnance stores, quartermaster's and commissary's stores at the various posts recently surrendered to the State of Texas by the stipulations with Genl. Twiggs be authorized and required to furnish such articles and stores in their several departments as may be required by the two regiments of mounted men, ordered into the field, the one by the president of the Confederate States, the other by this Convention, upon the requisition of the proper officers of said forces."

Mr. Wm. Chambers offered the following resolution.

"Resolved that it is the sense of this Convention that the permanent constitution adopted by the congress of the Confederate States should, if approved on examination, be ratified by this Convention."

Mr. Gould offered as a substitute:

"An ordinance to empower the legislature to submit the permanent constitution of the Confederate States of America to the people." Read 1st time.

Rule suspended, read 2nd time and on motion of Mr. Montgomery both resolution and ordinance were referred to the committee on Federal Relations

Mr. Mason introduced an ordinance for the more complete protection of the State of Texas. Read 1st time.

On motion of Mr. Dancy the Convention adjourned until 7 ½ o'clock, P. M.

Wednesday, March 20th/61. 7 ½ o'clock, P. M.

The Convention met. Roll called. Quorum present.

On motion of Mr. Stell leave of absence was granted to Mr. Gould, delegate from the counties of Leon and Madison, from and after to day.

Orders of the Day.

The ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs, and to pay the expenses of the Convention was taken up and read.

On motion of Mr. Stell the 1st section was amended by striking out the word "five" in the 1st line and inserting in lieu thereof the word "one" [and] by striking out all after the word "same" in the 3rd line and inserting in lieu thereof the following: "to be sold by the comptroller at the current value and the proceeds to be applied to the pressing wants of this Convention."

On motion of Mr. Campbell the ordinance was amended by striking out the 2nd and 3rd sections.

On motion of Mr. Stell the 4th section was amended by striking out in the 2nd and 3rd lines the words "five" and inserting in lieu thereof the word "one" and by striking out all after the word "behalf" in the 7th line and inserting in lieu thereof the following: "and that the governor shall cause to be prepared State bonds to the amount of $400,000.00 in sums of $1000.00 each with coupons attached, embracing the several payments of interest thereon at the rate of 10 pr. ct. payable semi-annually, the principal of said bonds to be made payable at the Citizens Bank of New Orleans on the 1st day of July, A. D. 1871, and in the body of said bonds shall be inserted a brief statement of the fund specified in this ordinance for the payment of the principal and interests of said bonds."

On motion of Mr. Dancy the ordinance was amended by striking out "ten" and inserting in lieu thereof "eight" before the words *per centum.*

On motion of Mr. Dancy the 5th section was stricken out.

On motion of Mr. Stell the 6th section was amended by inserting after the word "principal" in the eighth line, the words "and interest."

On motion of Mr. Brahan the 7th section was amended by striking out the words "on undoubted security" in the 3rd line and inserting in lieu thereof the following: "upon personal security together with a mortgage on either personal property in slaves or real estate; provided that three times the value be taken for each dollar loaned."

On motion of Mr. Stell the 8th section was stricken out.

On motion of Mr. Gray the 9th section was stricken out[77]

On motion of Mr. Campbell the 13th section was amended by inserting after the word "purchasers" the word "at or above said minimum."

On motion of Mr. Portis the 14th section was amended by striking out, in the 2nd line, the words "as far as practicable."

On motion of Mr. Throckmorton the 14th section was further amended by adding thereto the following: "And any lands so forfeited shall be resold under the direction of the comptroller and treasurer."

On motion of Mr. Ford of Caldwell the 11th section was amended by inserting before the word "comptroller" in the 1st line, the word "governor."

Mr. Ford of Caldwell offered the following amendment as a substitute for the 15th section:

---

[77] Some MS. memoranda of the Secretary of the Convention show that section 10 was struck out on motion of Mr. Stell. (Miscellaneous Papers of the Secession Convention.)

"That the section of this ordinance creating a sinking fund of the University securities and lands, or their proceeds, shall after it accomplishes the purposes of this ordinance constitute a part of the University fund."

Mr. Throckmorton offered the following amendment to section 6

"Provided that the provisions of this ordinance shall not interfere with the provisions of an act of the legislature approved on the day of , A. D. 1861, which makes the 10 pr. ct. treasury warrants issued on account of the debt incurred for frontier defence receivable in payment for the University lands heretofore sold."

Mr. Chilton moved the indefinite postponement of the ordinance and amendments.

On motion of Mr. Jennings the ordinance and amendments were laid upon the table by the following vote.

Yeas, Mesrs. President, Allen, Armstrong, Beazley, Beebe, Black, Broaddus, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Davenport, Dunham, Edwards, Feeney, Ford of Caldwell, Gould, Green, Harrison, Hays, Henry, Hicks, Hogg, Holland, Hooker, Howard, Hunt, Ireland, Jennings, Johnson of Lamar, Jones, Kelly, Lea, Lester, Locke, Mason, McCall, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Prendergast, Preston, Rhome, Robertson of Washington, Ross, Russell, Shuford, Shepard, Warren, Watkins, Wier, Wiley, Wilson of Tyler and Word, 73.

Nays, Mesrs. Adams, Anderson of Colorado, Bagby, Baxter, Batte, Brahan, Campbell, Cox, Dancy, Davidson, Dean, Earley, Ganahl, Gray, Hall, Hoyle, Koester, Lubbock, Maltby, McCraw, Poag, Rainey, Robertson of Smith, Rogers of Marion, Runnels, Scott, Scurry, Smith of Fannin, Stewart of Anderson, Terry of Tarrant, Thompson, Throckmorton, Waller, Wharton, Wilcox of Denton and Wilson of Hunt, 38.

The Convention then proceeded to the consideration of the "ordinance to repeal in part the 2nd Sec. Article 10 of the constitution, and for other purposes."

Mr. Stell moved to amend section 2nd by inserting at the commencement thereof the following: "That one *per centum* of the annual aggregate tax of this State shall be set apart and appropriated to the common school fund, and the whole amount shall be disbursed annually including the fiscal year 1871 to the common schools according to law; and." Carried.

On motion of Mr. Stell the ordinance was amended by striking out the 3rd and 4th sections.

Mr. Broaddus moved to lay the ordinance on the table. Lost by the following vote.

Yeas, Mesrs. President, Adams, Allen, Beebe, Broaddus, T. J. Chambers, Chambers of Titus, Chisum, Coke, Dancy, Davenport, Dunham, Feeney, Ford of Caldwell, Gray, Green, Hays, Henry, Hogg, Johnson of Lamar, Jones, Kelly, Lester, Locke, Mason, McCraw, Miller, Montgomery, Moore of Fayette, Nash of Dallas, Palmer, Poag, Prendergast, Preston, Rainey, Rhome, Robertson of Washington, Rogers of Marion, Shuford, Shepard, Stapp, Stockdale, Throckmorton, Wilcox of Denton, Wiley, Wilson of Tyler and Word, 47.

Nays, Mesrs. Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Black, Brahan, Campbell, Wm. Chambers, Clayton, Cleveland, Clopton, Cox, Davidson, Dean, Earley, Ganahl, Gould, Hicks, Harrison, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Koester, Lea, Lubbock, Maltby, McCall, Moore of Burnet, Moore of Henderson, Montel, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Portis, Robertson of Smith, Ross, Runnels, Scott, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Terry of Tarrant, Thompson, Waller, Warren, Watkins, Wharton, Wier and Wilson of Hunt, 64.

On motion of Mr. Jennings the Convention adjourned until tomorrow at 2 o'clock, P. M.

City of Austin Texas, Thursday, March 21 1861.

The Convention met pursuant to adjournment. Roll Called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

By leave Mr. Feeney was allowed to record his vote in favor of the adoption of the "Ordinance to provide for a union of the State of Texas with the Confederate States of America."

Mr. Robertson of Smith chairman of the committee on Public Safety made a report.[78]

On motion of Mr. Montgomery 500 copies of the report, and 500 copies of the report submitted on the 18th inst. from the same committee, were ordered to be printed[79]

"An ordinance to provide for the settlement of the debts and liabilities contracted by authority of the Convention in the cause of secession." Read 1st time.

---

[78] Perhaps, Report No. 9 of the Committee on Public Safety, page 398.

[79] In the MS. Journal this paragraph follows the caption of the ordinance printed in the paragraph next below.

Mr. Campbell, chairman of the committee on Finance, made the following report:

The committee on Finance, to whom was referred the report of the Hon. President of the Convention in relation to his course as agent to raise means to aid in securing the safety of the State, have had the same under consideration, and has authorized me to report the accompanying resolution and move its adoption, all of which is respectfully submitted:

"Resolved that the Hon. O. M. Roberts, President of this Convention, and to whom was intrusted the power to pledge the faith of the State in order that means might be provided in aid of the public safety, and who appointed as negotiator and disbursing officer E. B. Nichols, Esq., acted with becoming prudence, and is entitled to and hereby receives the approval of this Convention."

On motion of Mr. Campbell the rule was suspended, report and resolution taken up and adopted.

Mr. Campbell, from the committee on Commerce and Navigation, reported back the following resolution and recommended its adoption:

Resolved that the representatives of this State in the congress of the Confederate States of America be instructed to use their exertions to procure such provisions as will place the principal entrances into bays of Texas on terms of legal equality as to ports of entry and collection districts, with a common privilege of transit from any district through any other district for exportation of bonded goods, so that merchants may have opportunities without legal embarrassments and with best facilities to use the most eligible routes of transit.

On motion of Mr. Lea the rule was suspended the report and resolution taken up and adopted.

Mr. Scott, chairman of the committee on Credentials, made the following report:

The committee on Credentials to whom was referred the subject of membership of the delegate, Hon. J. L. L. McCall, of the district of the counties of Brown, Coryell, Hamilton, Comanche, Erath and Palo Pinto, have considered the same and from the certificates of election and statements of members of the Convention the committee are of the opinion that the said J. L. L. McCall has been legally elected a delegate to this Convention from said district, and that he is entitled to his privileges as such. All of which is respectfully submitted.

On motion of Mr. Norris the report was taken up, read and adopted.

Mr. Lea, chairman of the committee on Foreign Relations, submitted the following report:

To the Hon. O. M. Roberts, President, etc.

The Committee on Foreign Relations respectfully reports on the following resolution referred to its consideration,

"Resolution concerning the Cherokee, Chickasaw, Choctaw and Creek nations.

"Resolved that a most liberal policy towards the Cherokee, Chickasaw, Choctaw and Creek nations should be pursued by the government of the Confederate States of America, and by the government of Texas in co-operation; particularly that those nations should be aided in forming a confederacy among themselves; that they should be favored by an extension of territory westward; that they should be assured of their independence and permanency; and that the acquisition of perfect private titles to land should be promoted."

These nations must soon be fixed in permanent relations of friendship or of hostility to Texas in particular and to the Confederate States in general, and they must be among the best of friends or the worst of foes. Their geographical position is peculiarly significant in connection with their institution of slavery. Surrounded by Texas, Arkansas, Missouri, Kansas and New Mexico, they are subject to conflicting influences, which have caused them much trouble, resulting in the expulsion of some abolitionists, and in the present ascendency of the slave-holding sentiment. Existing circumstances are favorable for establishing that sentiment among them. They cannot be neutral, but must be decisively on the northern or on the southern side of the slavery question. If compelled to take the northern side, the consequent abolitionism would be attended by incalculable evils in its progress among them, while it would prepare them for most effective and injurious aggression on the institution of slavery within the Confederacy, especially as they would be instruments, in peace or war, of their northern allies. To them the result would be absolutely ruinous, inasmuch as their extermination would become a necessity imposed on the Confederacy. On the other hand if they should be on the southern side their security would be identified with that of the Confederacy both in peace and in war.

To promote such mutual security these nations should be magnified in importance and rendered as effective as possible. With such view the following suggestions are respectfully submitted.

First, the facility and efficiency of co-operation between them and the Confederacy would be greatly increased, if they would form an association among themselves to be represented by a common council.

Second, the strongest possible assurance of their independence and permanency naturally occurs as a foundation for their stability and consequence, and such assurance should consist rather of practical arrangements than of verbal professions.

Third, an extension of boundary westward for these nations, so as to give them on stipulated terms the use of more territory in that direction, would expand their views, enlarge their interests, and augment their importance, especially in connection with the most eligible localities for permanent defences on the northern frontier of Texas. For such defences across the Staked Plain the valley of the Canadian river is well understood to be not only the best line but the only one capable of thorough connection with other corresponding defences on the upper portions of the Pecos and of the Rio Grande; while the valley of the Rio Grande, from its mouth to the mouth of the Pecos, and the whole extent of the latter constitutes another most important transverse line for defences, so that these two lines, in connection with another across New Mexico along a valley lately explored and reported as the best in that country for habitation, westward from Santa Fe to and down the Rio Colorado to the Gulf of California, would complete a system.

The best valleys are found in suitable positions and present the only eligible localities for such a system, which is indispensable in the pending contest for territory and power between the pro-slavery and anti-slavery parties. The thorough establishment and maintenance of this system would leave but little to be done in any other way for complete protection of the Choctaw, Chickasaw, Creek and Cherokee nations, and of the whole interior of Texas, New Mexico and Arizona, and of all the proximate portions of Mexico, embracing half of the area of that nation. Such complete protection would eminently conduce in all of these countries to expansion of settlements, which would be able, thus sustained, to reciprocate the inestimable favor of perfect security by domestic supplies of every necessary for subsistence of the protecting forces, superseding the comparatively great expense and uncertainty of obtaining foreign or distant supplies, either entirely by land or by water and land. These will be an ultimate necessity, at any cost, to complete such a system, and the greatest expedition in doing it may be the most effective and economical mode of obtaining the necessary current security of all these countries against both savagism and abolitionism. The same forces which are immediately necessary to protect the present frontier could best give protection to the working forces that might be engaged in constructing the first fortifications, which should be commenced without delay as part of the means for early protection of existing settlements, and should be prosecuted with a determination to make each fortification capable of withstanding any assailment until relief might come. Such mode of present and permanent defence might be the most economical almost from the beginning and it would soon become so, beyond all doubt, if vigorously prosecuted. But the decisive consideration is that no other mode of defence may be available, at any reasonable cost, to accomplish the indispensable security.

One of the best movements towards the establishment of such a system of defenses would be to identify with it our coterminous neighbors on the North by giving them some use of part of the territory of this State, embracing a section of the line of defenses, but reserving all localities most suitable for the fortifications.

Fourth, while the extension of territory would somewhat favor a migrating spirit which is desirable for the early occupation of the line of the contemplated defenses, yet civilization, efficiency and general prosperity certainly would be promoted by encouraging and facilitating the acquisition of perfect private titles to lands.

The committee would not tax the Convention with unnecessary details, but it earnestly solicits thorough investigation.

As to the means of attaining such desirable objects it is further suggested that there is a manifest necessity for co-operation among the respective governments of the Confederacy and Texas, and the Choctaw, Chickasaw, Creek and Cherokee nations. The importance of expedition and certainty indicates the propriety of most prompt and effective action on the part of this State, and a commission of three persons from this State should be constantly employed in making preparation of these Indians by giving to them suitable presentations of the subject, and such commission would be the proper agency for the co-operation of this State in the necessary contract. With the same view to expedition and certainty, another commissioner bearing dispatches might be eminently useful in going without delay to the delegation of Texas in the congress at Montgomery, Alabama, thence to the governor of Mississippi, thence to the governor of Arkansas, and thence to the commission to said nations.

The Convention may respectfully request the necessary action of the government of the Confederacy without any doubt of its concurrence by a proper commission for making a treaty as proposed.

Contemplating a necessary cession by Texas of usufructuary interests in lands, it is deemed indispensable that this Convention should define the extent to which such cession may be made, considering the uninhabitable character of nearly all of the most northern part of Texas, and the exceptional character of the Canadian valley; also, that parts of this region have been appropriated to private rights; also, that the remainder of this region, not thus appropriated, would be of less value for any other than the indicated purposes; also, that the prices of other lands would be enhanced and all other interests promoted: the following terms may be found acceptable and advantageous to all parties.

On the making of a treaty between the Confederate States of

America; as one party, and the Choctaw, Chickasaw, Creek and Cherokee nations, by the separate or associate action of these nations, as the other party, for permanent alliance and mutual protection against all enemies, the three commissioners who may be co-operating for this State, or any two of them, may convey to the government of the Confederate States of America all that territory of Texas situated north of the latitude thirty-five degrees north, except such parts as shall have been appropriated to private right at the date of the ordinance, in trust for the following purposes: to promote the common safety and prosperity of all the parties in interest by the following means; first, establishing and maintaining in the valley of the Canadian river, in this State, strong and permanent fortifications, suitable for defence against any enemy; for which the government of the Confederate States, within a reasonable time, may select, by well marked bounds, such parts of said territory as that government may desire for such fortifications, and their incidental lands, which selected parts shall be so held for such uses while the territory of this State shall constitute part of the Confederate States; second, giving to the citizens of the nations aforesaid the use of said ceded territory with the foregoing exceptions of private and public rights for hunting grounds and for settlements, which shall continue while said nations shall be in alliance and at peace with the Confederate States and while the territory of this State shall constitute part of said Confederacy.

It is contemplated, of course, that there shall be a permanent and thorough alliance between the government of the Confederacy and these nations as a necessary exception to the general rule against entangling alliances with foreign powers. The whole arrangement must look to the certainty that the "irrepressible conflict" will have to be thoroughly tested on the indicated line of fortifications, near to the thirty-fifth parallel of latitude, and statesmanship may find the greatest danger in partial concessions by the present administration of the government of the United States. The reasons for this opinion need not be stated in this report, which merely suggests some facts and considerations as sufficient to require the most prompt and energetic action.

For the co-operation of this State, the committee respectfully submits the draft of an ordinance and recommends its adoption.

An ordinance to aid in obtaining a treaty between the Confederate States of America and the Choctaw, Chickasaw, Creek and Cherokee nations.[80]

The people of Texas assembled by delegates in Convention ordain as follows,

---

[80] MS. in Miscellaneous Papers of the Secession Convention.

Section 1. On the making of a treaty between the Confederate States of America, as one party, and the Choctaw, Chickasaw, Creek and Cherokee nations, by the separate or associate action of these nations, as the other party, for permanent alliance and mutual protection against all enemies, the three Commissioners, who may be cooperating for this State, or any two of them, may convey to the government of the Confederate States of America all that territory of Texas situated north of the latitude of thirty-five degrees north, except such parts as shall have been appropriated to private right at the date of this ordinance, in trust for the following purposes: to promote the common safety and prosperity of all the parties in interest by the following means; first, establishing and maintaining in the valley of the Canadian river, within this State, strong and permanent fortifications, suitable for defence against any enemy; for which the government of the Confederate States, within a reasonable time, may select by well marked bounds such parts of said territory as that government may desire for such fortifications and their incidental lands; which selected parts shall be so held for such uses while the territory of this State shall constitute part of the Confederate States; second, giving to the citizens of the nations aforesaid the use of said ceded territory, with the foregoing exceptions of private and public rights, for hunting grounds and for settlements, which shall continue while said nations shall be in alliance and at peace with the Confederate States, and while the territory of this State shall constitute part of said Confederacy.

Section 2. James E. Harrison, Charles A. Hamilton and James Borland, who are now engaged under authority of this Convention as Commissioners to the Choctaw, Chickasaw, Creek, and Cherokee nations in making to them suitable presentations of said subject, shall be a Commission to continue such business until otherwise directed by the Governor of this State, or until the execution and ratification of a treaty as aforesaid; and thereon said Commission, by all or any two of its members, shall execute a conveyance as aforesaid; and if in the meantime a vacancy should occur in said Commission from death or resignation such vacancy may be filled by appointment of said Governor; but the survivors until joined by the successor so appointed and the Commission so constituted subsequently shall have power as aforesaid; and, if occasion require, such proceeding may be repeated with like powers. Moreover, the Commission shall appoint its Secretary, and have power to remove and appoint at pleasure; and any person so employed heretofore shall be recognized as Secretary during such employment. The Commission shall report currently and finally to the Governor of this State, and shall forward a copy of each report to the delegation of this State in the Congress at Montgomery, Alabama.

Section 3. ....shall be a Commissioner to bear dispatches without delay to the delegation of Texas in the Congress at Montgomery, Alabama, thence to the Governor of Mississippi, thence to the Governor of Arkansas if that State shall have joined the Confederate States, and to this State's Commission to said nations, and finally to the Governor of this State.

Section 4. Actions of the respective governments of the Confederacy, Mississippi, and Arkansas on conditions as aforesaid, are respectfully and earnestly solicited, in co-operation with this State, according with the views indicated by the action of this Convention concerning the proposed alliance aforesaid; and that the President prepare and forward corresponding dispatches, to embrace this ordinance and the explanatory report of the Committee on Foreign Relations on the same subject.

Section 5. Each of the four Commissioners and the Secretary aforesaid shall be entitled to compensation at the following rates: for every day for actual service dollars, for every twenty miles of traveling from and to their respective homes, estimated by the most expeditious routes between designated points, and not including local departures within the nations aforesaid dollars, which shall be in full for such particulars, including all expenses.

"An ordinance to aid in obtaining a treaty between the Confederate States of America and the Choctaw, Chickasaw, Creek and Cherokee nations.["] Read 1st time.

On motion of Mr. Terry of Tarrant the rule was suspended, ordinance taken up, read 2nd time, and

On motion of Mr. Robertson of Washington laid on the table for the present.

Mr. Chilton introduced an ordinance to amend the constitution of the State of Texas, read 1st and 2nd times and referred to the committee on Constitution.

Mr. Brown offered the following resolution which was adopted.

"Resolved that the committee on Public Safety be instructed to hand over to Governor Clark all papers etc. in their possession, tendering to the State the services of individuals or companies, for his information, and to be preserved under his direction in the proper office."

Mr. Flournoy offered the following resolution

"Resolved that the Convention authorize the chairman of the committee of Public Safety to pay C. A. Hopkins the sum of forty five dollars for riding express to Camp Colorado for said committee.[''] Adopted.

On motion of Mr. Jennings the Convention adjourned until 7 ½ o'clock, P. M.

Thursday, March 21, 1861, 7 ½ o'clock, P. M.

The Convention met. Roll called. Quorum present.

Mr. Campbell introduced the following resolution.

''Resolved that no new business shall be introduced, nor shall any speech exceed five minutes in duration, and that the Convention when it adjourns on Saturday night will adjourn *sine die.*['']

On motion of Mr. Campbell the rule was suspended and the resolution taken up for action.

Mr. Terry of Tarrant moved to lay the resolution on the table. Lost and

The resolution was adopted by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Baxter, Beazley, Beebe, Box, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, Chambers of Titus, Chisum, Dancy, Davenport, Maltby, McCall, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Nash of Dallas, Nash of Kaufman, Neel, Nicholson of Fannin, Norris, Portis, Prendergast, Preston, Rhome, Robertson of Washington, Runnels, Scott, Shuford, Scurry, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Taylor, Thompson, Throckmorton, Watkins and Wilcox of Denton, 67.

Nays, Mesrs. Armstrong, T. J. Chambers, Clark, Cleveland, Coke, Cook, Cox, Davidson, Dean, Devine, Dunham, Ford of Caldwell, Gray, Green, Hall, Hicks, Holland, Howard, Jennings, Lea, Lubbock Mason, Palmer, Poag, Rainey, Rogers of Marion, Ross, Russell, Scarborough, Shepard, Smith of Bexar, Stockdale, Terry of Tarrant, Waller, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 41.

The Convention then proceeded to the consideration of the ''ordinance concerning citizenship and suffrage''

Mr. Chilton offered a substitute for the ordinance

On motion of Mr. Wiley, laid on the table.

Mr. Wiley moved to amend by striking out all between the word ''State'' in the 8th line down to the word ''shall'' in the 12th line

Mr. Jennings moved to lay the amendment on the table. Lost by the following vote.

Yeas, Mesrs. Adams, Allen, Beazley, Beebe, Black, Brahan, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Clark, Coke, Cox, Davidson, Dean, Hardeman, Henry, Hicks, Hobby, Hogg, Howard, Hoyle, Hunt, Jennings, Jones, Koester, Lesueur, Lea, McCall, McCraw, Moore of Burnet, Nash of Dallas, Nash of Kaufman, Neel, Obenchain, Payne of Hopkins, Rhome, Ress, Russell, Scurry, Shepard, Stapp, Stewart of Anderson, Stewart of Gonzales, Terry of Tarrant, Throckmorton, Watkins, Wilcox of Denton, Wilson of Hunt, and Wilson of Tyler, 50.

Nays, Mesrs. President, Anderson of Colorado, Armstrong, Baxter, Box, Broaddus, Brown, Campbell, Chisum, Cleveland, Clopton, Cook, Dancy, Davenport, Devine, Dunham, Earley, Feeney, Ford of Caldwell, Graham of Rusk, Gray, Green, Hall, Hays, Henderson, Hill. Hooker, Ireland, Johnson of Lamar, Kelly, Lester, Locke, Lubbock, Mason, Maltby, Miller, Montgomery, Moore of Fayette, Nauendorf, Nicholson of Fannin, Norris, Palmer, Poag, Portis, Prendergast, Preston, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Scarborough, Scott, Shuford, Smith of Bexar, Smith of Fannin, Stell, Stockdale, Taylor, Thompson, Waller, Wharton, Wier, Wilcox of Bexar, Wiley and Word, 65.

The amendment was then adopted.

On motion of Mr. Shepard the 2nd section was amended by inserting after the word "vote" in the 3rd line the following: "Indians not taxed, negroes and their descendants excepted."

On motion of Mr. Shepard the 2nd section was further amended by striking out the word "citizens," in the 1st line, and inserting the word "persons"

Mr. Dancy offered a substitute for the ordinance as amended.

On motion of Mr. Cleveland the previous question was ordered.

And the ordinance ordered to be engrossed.

Mr. Portis moved a suspension of the rule in order to place the ordinance on its 3rd reading. Carried.

Mr. Henderson moved to recommit the ordinance to the committee on Citizenship. Lost.

Mr. Kelly moved to adjourn until 9 o'clock tomorrow. Lost.

Mr. Chambers of Titus moved to adjourn until 2 o'clock, P. M. tomorrow. Lost.

On motion of Mr. Shepard the 1st section of the ordinance was amended so as to make the word "parent" read "parents"

On motion of Mr. Wharton the ordinance was recommitted to the committee on Citizenship with instructions to report to morrow evening.

On motion of Mr. Lubbock the Convention adjourned until 2 o'clock, P. M. on to morrow.

City of Austin Texas, Friday, March 22, 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

Mr. Moore of Fayette offered the following resolution, which was adopted unanimously:

"Resolved that the Secretary, R. T. Brownrigg, be allowed out of any fund to be appropriated, or already appropriated for the payment of this Convention, the sum of five dollars per day, additional per diem pay, to the amount proposed to be allowed him by act of the legislature, provided his pay does not exceed in said legislative enactment the sum of five dollars per day, so that his per diem pay shall be ten dollars a day.[")]

The President submitted the following communication.

Hon. O. M. Roberts, President, etc.

The undersigned hereby respectfully tenders to you, and through you to the Convention of which you are President, his resignation of the office of Sergeant at Arms of said Convention, to take effect instanter. His desire to enter the public service in another capacity has prompted him to this course.

On taking his leave he desires to express to the Convention his thanks for the honor which it has seen proper to confer upon him.

March 21st 1861. B. F. Durham.

Mr. Devine, from the committee on Citizenship, reported a substitute for the ordinance to amend the 1st and 2nd Sections of Art. 3rd of the constitution of the State of Texas.

On motion of Mr. Portis the rule was suspended, the report taken up, the ordinance read a 2nd time and ordered to be engrossed.

On motion of Mr. Devine the rule was further suspended, the ordinance read a 3rd time and adopted.

Mr. Stewart of Gonzales from the committee on Enrollment reported as correctly and duly enrolled, and signed by the President and Secretary of the Convention, and deposited in the office of the Secretary of State

"An ordinance to dissolve the Union between the State of Texas and the other States under the compact styled 'the Constitution of the United States of America;'["] also

"An ordinance in relation to custom house officers and customs revenue;" also

"An ordinance to authorize the purchase of arms for the use of the State;["] also

"An ordinance to provide for the enrollment, publication and preservation of the ordinances of the Convention;["] also,

"An ordinance in relation to a Union of the State of Texas with the Confederate State of America;" also,

"An ordinance respecting public property;["] also,

"An ordinance relating to the removal of the United States troops from the limits of the State of Texas;["] also,

"An ordinance to secure the friendship and co-operation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee, Creek and Seminole nations of Indians;["] also

"An ordinance prescribing the mode of election to be held for the rejection or ratification of the ordinance of separation of the State of Texas from the United States of America;["] also

"An ordinance to amend the 1st section of the 7th Art. (general provisions) of the constitution of the State of Texas;["] also

"An ordinance in furtherance of an ordinance to provide for the continuance of the existing State Government;["] also

"An ordinance to provide for the continuance of the existing State Government;["] also

"An ordinance concerning the arms, quartermaster's, ordnance and commissary's stores recently surrendered to the State of Texas by the stipulations between the commissioners of the State and brevt. Maj. Genl. David E. Twiggs["] and a

"Resolution to provide for the election of seven delegates to represent the State of Texas in a convention of the slave-holding States at Montgomery, Alabama;["] and also

"An ordinance to provide in part for the military defense of the State of Texas.["]

The President submitted the following communication.

House of Representatives, March 21, 1861.

Hon. O. M. Roberts
Presdt. of the Convention.

I herewith, by order of the Speaker of the House of Representatives, transmit to the convention a resolution passed by the House to day calling for action by the convention

Yours etc.
W. L. Chalmers
Chf. Clk. H. of Reps.

House of Representatives March 21/61.

"Resolved that the convention be requested to pass an organic act authorizing the Legislature to borrow $800,000.00, and that said body incorporate in the ordinance a provision setting apart one-fifth of the annual revenues as a fund beyond legislative control for the payment of the principal and interest of the loan.["]

M. D. K. Taylor
Speaker of the H. of R.

Attest.
W. L. Chalmers, Chf. Clk. H. of R.

Mr. Davidson from the committee on Constitution made the following report:

The committee on the Constitution, to whom was referred an ordinance entitled an ordinance to define and punish certain offences against the State of Texas, beg leave to report that they have considered and approve the same; but, believing that the matters therein contained are peculiarly within the province of legislative enactment, and the State legislature being now in session, the committee respectfully recommend that said ordinance, with this report, be submitted to both houses of the legislature now in session, and their early attention thereto respectfully invited.

All of which is respectfully submitted.

On motion of Mr. Davidson the rule was suspended, the report taken up and adopted.

Mr. Robertson of Smith, chairman of the committee on Public Safety, made a report.[81]

On motion of Mr. Terry of Tarrant 500 copies of the report were ordered to be printed.

The committee recommended the adoption of the following resolution

"Resolved that the chairman of the committee on Public Safety be required to pay over the balance in his hands, to wit: the sum of $2,258.50 to Genl. E. B. Nichols, financial agent of the State of Texas, to be placed by him as a credit on his a/c against the State of Texas."

On motion of Mr. Robertson of Smith the rule was suspended, report taken up, read and the resolution adopted.

Mr. Lea chairman of the committee on Foreign Relations made the following report.

"The committee on Foreign Relations has heretofore reported in part, and now begs leave to report finally on the resolution which was referred to its consideration, on the subjects of extradition from service and from justice. Considering the circumstances of this Convention and that the legislature is in session, the committee now deems it expedient to commend the subjects of the resolution, as to both fugitives from service and from justice, to the consideration of that honorable body, and a corresponding resolution is herewith reported.

---

[81] Perhaps, Report No. 5, page 364.

"Resolved by the people of the State of Texas, assembled by delegates in Convention, that the policy of providing by state legislation for extradition from this State to any other State of the Confederate States of America and to any foreign country of fugitives from service or labor and of fugitives from justice be commended to the consideration of the honorable, the legislature of this State, in connection with its new political condition."

On motion of Mr. Lea the rule was suspended, the report and resolution taken up, read and the resolution adopted.

On motion of Mr. Cleveland the ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State was taken up and read

On motion of Mr. Henderson the Convention went into a committee of the whole.

Mr. Henderson in the chair.

The committee rose, reported through its chairman the ordinance back to the Convention, with various amendments and recommended its adoption.

On motion of Mr. Chilton the ordinance was ordered to be engrossed and read a 3rd time.

Mr. Portis moved reconsideration of the vote just taken.

On motion of Mr. Montgomery, that motion was laid on the table.

Mr. Brown offered the following resolution which was adopted.

"Resolved that the Secretary of the Convention shall be allowed the usual compensation for such services (15 cts. pr. 100 words) for recording the journals of the Convention as required by ordinance to provide for the enrollment, publication and preservation of the ordinances of this convention; and in addition thereto he shall be required to index the same, for which he shall be allowed the same amount as was allowed to the chief clerk of the house of representatives for similar services: that the work shall be subject to the inspection of the comptroller of public accounts, and to be paid for as it progresses out of any fund which may be appropriated by the legislature or otherwise for the payment of this Convention[")

On motion of Mr. Jones the rule was suspended and the "ordinance to amend the constitution of the State of Texas, so as to adapt the same to the political condition and relations of said State," was taken up and read a 3rd time.

On motion of Mr. Chilton the Convention adjourned until 7 ½ o'clock, P. M.

Friday, March 22/61. 7 ½ o'clock, P. M.

The Convention met. roll called. quorum present.

The ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State, being under consideration when the Convention adjourned, was taken up and read.

On motion of Mr. Smith of Fannin, Sec. 11, Art. 3, was amended by inserting after the word "appropriated" in the 20th line the words "or set apart for."

Mr. Rainey offered the following amendment:

"That the 2nd Section of Article 10 of the constitution shall be so construed as to require the distribution of the whole amount of said fund annually for common school purposes, as contemplated by said section.[")]

On motion of Mr. Henderson laid on the table.

Mr. Runnels offered the following amendment.

"The legislature shall not have the power to relieve any corporation from the payment of any money loaned by the State to such corporation, nor extend the time for the payment of the same, nor shall it relieve any corporation from the payment of any money either of principal or interest accruing to the State from such corporation for a valuable consideration."

Mr. Henderson moved the previous question upon the adoption of the ordinance. Lost by the following vote.

Yeas, Messrs. Broaddus, Coke, Dancy, Feeney, Henderson, Jones, Lester, Moore of Fayette, Palmer, Robertson of Washington, Russell and Stewart of Gonzales, 11.

Nays, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Box, Black, Brown, Campbell. Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Clopton, Cox, Davenport, Davidson, Dean, Devine, Dunham, Edward, Earley, Fall, Ford of Caldwell Graham of Rusk, Gray, Hall, Harrison, Hays, Henry, Hicks, Hill, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Kelly, Lesueur, Lea, Locke, Lubbock, Mason, McCraw, Miller, Montgomery, Moore of Burnet, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nichols, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Shuford, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stockdale, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 104.

Mr. Scott moved to amend by adding at the end of the amendment the following: "Unless by a vote of four-fifths of both branches of the legislature."

On motion of Mr. Rainey laid on the table.

Mr. Todd offered the following amendment: "Provided such relief shall not extend beyond a period of six months, and that by a vote of two-thirds of each branch of the legislature."

Mr. Stell moved to lay the amendment on the table. Lost; and

The amendment was adopted.

Mr. Davidson offered the following amendment to come in before the word "provided," which was adopted: "Nor shall the legislature be allowed to release or in any manner change the security given by such corporation for the payment of such loans, nor shall they release any debt due to the State for University or pre-emption lands sold by the State, nor release or change any security given therefor."

Mr. Terry of Tarrant moved to amend by adding the following: "Nor shall the legislature relieve railroad companies from the forfeiture of the land bonus granted them by reason of the failure to finish and complete their sections of road."

On motion of Mr. Hall, laid on the table by the following vote:

Yeas, Mesrs. President, Adams, Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Beebe, Box, Black, Brahan, Campbell, Wm. Chambers, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Clopton, Davenport, Davidson, Dean, Devine, Edwards, Earley, Fall, Ganahl, Graham of Rusk, Hall, Harrison, Hicks, Hill, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Kelly, Lea, Lester, Locke, McCraw, Miller, Moore of Burnet, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Poag, Prendergast, Preston, Rainey, Rhome, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Scurry, Shepard, Smith of Fannin, Smith of Bexar, Stell, Stewart of Anderson, Thompson, Todd, Watkins, Wier, Wilcox of Bexar, Wilcox of Denton, Wilson of Hunt, Wilson of Tyler and Word, 80.

Nays, Mesrs. Allen, Broaddus, Brown, T. J. Chambers, Clark, Coke. Dancy, Dunham, Feeney, Ford of Caldwell, Gray, Henderson, Henry, Jones, Lesueur, Lubbock, Mason, Montgomery, Moore of Fayette, Palmer, Payne of Hopkins, Portis, Robertson of Bell, Robertson of Washington, Russell, Stewart of Gonzales, Stockdale, Terry of Tarrant, Waller, Wharton and Wiley, 31.

Mr. Stockdale moved the previous question. Lost by the following vote:

Yeas, Mesrs. President, Box, Broaddus, Brown, T. J. Chambers, Chambers of Titus, Clayton, Coke, Cox, Dancy, Dunham, Edwards, Fall, Feeney, Graham of Rusk, Gray, Henderson, Henry, Hill, Jones, Kelly, Lesueur, Lester, Lubbock, Mason, Montgomery, Moore of Fayette, Palmer, Portis, Prendergast, Robertson of Washington, Rugeley, Russell, Shuford, Shepard, Stewart of Gonzales, Stockdale, Wharton, Wilcox of Denton and Word, 41.

Nays, Mesrs. Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Beebe, Black, Brahan, Campbell, Wm. Chambers, Chilton, Chisum, Clarke, Clopton, Davidson, Dean, Devine, Earley, Ford of Caldwell, Hall, Harrison, Hays, Hicks, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Lea, Locke, McCraw, Miller, Moore of Burnet, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Poag, Preston, Rainey, Rhome, Robertson of Bell, Rogers of Marion, Runnels, Scarborough, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Terry of Tarrant, Thompson, Todd, Waller, Watkins, Wier, Wilcox of Bexar, Wilson of Hunt and Wilson of Tyler, 71.

Mr. Ford of Caldwell moved to refer the amendment as amended to the committee on the Constitution, with instructions to report at 9 o'clock, to morrow. Carried.

Mr. Wharton moved to reconsider the vote just taken.

On motion of Mr. Dancy that motion was laid on the table

On motion of Mr. Hicks, the ordinance was amended by inserting at the end of the 5th line, in the 1st section, the words "previously given"

The ordinance was then adopted by the following vote:

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Bagby, Baxter, Beazley, Box, Black, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chilton, Clark, Clayton, Cleveland, Coke, Cox, Dancy, Davidson, Dean Dunham, Earley, Fall, Feeney, Ford of Caldwell, Graham of Rusk, Gray, Green, Hall, Harrison, Hays, Henderson, Hicks, Hill, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Jones. Kelly, Lea, Lester, Locke, Lubbock, Mason, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Robertson of Bell, Rhome, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stewart of Anderson, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Watkins, Wharton, Wier, Wiley and Word, 99.

Nays, Mesrs. Beebe, Brahan, Devine, Henry, Shuford, Stell, Wilcox of Bexar and Wilson of Tyler, 8.

Mr. Scott moved a reconsideration of the vote taken on yesterday upon a resolution proposing to adjourn "sine die" on Saturday night, the 23rd inst.

On motion of Mr. Scott that motion was postponed until tomorrow.

Mr. Dancy moved to reconsider the vote adopting the ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State.

Mr. Dancy moved to lay that motion on the table.

On motion of Mr. Henderson the Convention adjourned until 8 o'clock, A. M. on tomorrow.

City of Austin Texas, Saturday, March 23rd 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. Prayer by the chaplain,

The Journal of yesterday was read and adopted.

On motion of Mr. Ireland the rules were suspended and the Convention proceeded to the consideration of the permanent constitution of the Confederate States of America.

Mr. Cleveland introduced the following ordinance

"An ordinance ratifying the constitution of the Confederate States of America."

Sec. 1. Be it ordained by the people of the State of Texas in convention assembled that the State of Texas hereby ratifies the constitution of the Confederate States of America, adopted on the 11th day of March 1861, by the congress of the Confederate States of America.

On motion of Mr. Portis the rule was suspended, the ordinance taken up and read a 2nd time.

Mr. Lea offered the following as a substitute.

An ordinance to ratify the constitution of the Confederate States of America.

The people of the State of Texas, assembled by delegates in convention, ordain that the constitution of the Confederate States of America, adopted March 11th, 1861, by the congress of the provisional government of said Confederacy for the permanent government thereof, subject to ratification by the several States, is hereby ratified, accepted and adopted, for the purposes therein expressed, on the part of this State acting in its sovereign and independent character.

On motion of Mr. Henderson the Convention went into committee of the whole on the ordinance: Mr. Henderson in the chair.

The committee rose, reported, through its chairman, the substitute offered by Mr. Lea, as a substitute for the ordinance, recommended its adoption and passage, and asked to be discharged from the further consideration of the matter.

On motion of Mr. Stockdale the report was received and the committee discharged.

On motion of Mr. Wiley the substitute was adopted in lieu of the original ordinance offered by Mr. Cleveland.

Mr. Green offered a substitute for the ordinance proposing to submit the constitution of the Confederate States of America to the people of the State of Texas for their ratification or rejection.

On motion of Mr. Payne of Hopkins laid on the table by the following vote.

Yeas, Mesrs. Allen, Anderson of Colorado, Armstrong, Bagby, Batte, Beazley, Box, Burdett, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davidson, Dean, Devine, Dunham, Edwards, Fall, Feeney, Flournoy, Graham of Rusk, Hays, Henry, Henderson, Hogg, Holland, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Locke, Lubbock, Maltby, Montgomery, Montel, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsome, Nichols, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Prendergast, Rainey, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Stockdale, Stewart of Gonzales, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Tyler and Word, 93.

Nays, Mesrs. President, Baxter, Beebe, Clopton, Davenport, Earley, Ford of Caldwell, Gray, Green, Harrison, Hicks, Hill, Hooker, Johnson of Lamar, Mason, McCraw, Miller, Moore of Burnet, Moore of Fayette, Nicholson of Fannin, Nauendorf, Poag, Preston, Robertson of Bell, Shuford, Smith of Fannin, Stell, Stewart of Anderson, Throckmorton, Wilcox of Denton and Wright, 32.

Mr. Montgomery offered an ordinance for submitting the constitution for the permanent government of the Confederate States of America to the people of Texas for ratification as a substitute.

On motion of Mr. Henderson the previous question was ordered, and the ordinance ordered to be engrossed by the following vote:

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Baxter, Beazley, Box, Burditt, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chilton, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Graham of Rusk, Gray, Green, Hall, Harrison, Hays, Henderson, Henry, Hicks, Hill, Hogg, Holland, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Mason, Maltby, McCraw, Miller, Montgomery, Moore of Burnet Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nichols, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson of Tyler and Word, 117.

Nays, Mr. Throckmorton.

On motion of Mr. Henderson the rule was suspended and the ordinance read a 3rd time.

Mr. T. J. Chambers offered the following as a substitute

An ordinance approving, accepting and ratifying the constitution of the Confederate States of America.

Whereas the people of Texas in Convention assembled at the city of Austin, on the day of March, A. D. 1861, did by a solemn ordinance declare their adhesion to the provisional government of the Confederate States of America, each State acting in its sovereign, independent character, in order to form a permanent federal government, establish justice, ensure domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God; And whereas a copy of said constitution, duly certified by Howell Cobb, president of said congress, has been submitted to this Convention for ratification or rejection; Now, therefore, We, the deputies of the people of Texas, representing the independent sovereignty of the State, do hereby approve, accept and ratify the said constitution, to go into full effect upon its ratification by five of the said Confederate States, and in order that the said constitution may be submitted to a direct vote of the people of Texas, at the general election in August next, each voter for governor and other State officers shall make known his will by putting upon his ticket the words "For the constitution" or "Against the constitution" and returns thereof shall be made in the same manner as for governor, and unless a majority of the whole number of votes cast shall be against the said constitution then it shall continue and remain in force until abolished.

Sec. 2nd. The State retains and reserves to itself all the vacant domain within its limits, and the right to extend its territory by future acquisition.

Mr. Word offered the following as a substitute for the substitute.

A certified copy of the constitution for a permanent form of government for the Confederate States having been laid before this Convention for ratification; Therefore,

1st. Be it ordained by this Convention that an election be held in each county of this State on the 1st Monday in May next, at the several election precincts in each county for delegates to a convention.

2nd. That the said convention shall consist of one member chosen from each senatorial district in said State, according to the apportion ment of senators for the next legislature.

3rd. That the said election shall be by the qualified electors, and in all respects conducted according to the laws of this State now in force, and the returning officers shall make returns to the Secretary of State as now directed by law.

4th. That the said convention shall assemble at the city of Austin on the 1st Monday in June, and shall act upon the ratification of the constitution of the Confederate States.

On motion of Mr. Scarborough the substitutes were laid upon the table.

The ordinance was then adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Beebe, Box, Burditt, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Chisum, Clarke, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Edwards, Fall, Feeney, Flournoy, Ford of Caldwell, Ganahl, Graham of Rusk, Gray, Green, Hall, Harrison, Henderson, Henry, Hicks, Hill, Hobby, Hays, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Mason, Maltby, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nichols, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 126.

Nays, Mesrs. Shuford and Throckmorton, 2.

Mr. Graham introduced an ordinance to transfer to the government of the Confederate States the property lately acquired by Texas from the United States. Read 1st time.

An Ordinance to transfer to the government of the Confederate States the property lately acquired by Texas from the United States[52]

Sec. 1. Be it ordained by the people of the State of Texas in Convention assembled, That all the arms and munitions of war, commissary and Quarter Masters stores and property of every kind and description whatsoever, recently seized and acquired by authority of this Convention from the government of the United States of America, be and the same are hereby transferred to the government of the Confederate States of America, on condition that the said government of the Confederate States of America shall assume and discharge all liabilities, expenses, and debts consequent upon such seizure and acquisition.

Sec. 2. Be it further ordained that the Governor, Comptroller and Treasurer of this State be and they are hereby constituted an Auditorial Board to which all claims included in the necessary expenses of said seizure and acquisition not allowed by this Convention shall be presented, and when such claims shall have been passed upon and allowed by said Board they shall be valid claims in the hands of the holders thereof against the government of the Confederate States of America, and in case any of said claims shall be paid by the State of Texas, then and in that case it is made the duty of the Comptroller of the State to cause the claim or claims so paid to be presented to the government of the Confederate States for acceptance and payment.

Sec. 3. Be it further ordained that in case the Regiment of Mounted Men to be raised by virtue of an ordinance adopted by this Convention, entitled "An Ordinance for the protection of the frontier of the State of Texas," shall not be received into the service of the government of the Confederate States, then and in that case all the arms, accoutrements, supplies and munitions which may be necessary to the equipment of said Regiment, and set apart for the same, shall be excepted from the property transferred by this ordinance to the government of the Confederate States.

Graham of Rusk.

On motion of Mr. Ford of Caldwell the rule was suspended and the ordinance read a 2nd time.

Mr. Wharton offered the following amendment which was adopted.

---

[52] A. D. S. in Miscellaneous Papers of the Secession Convention.

Sec. 4. Be it further ordained that the transfer herein provided for is on condition that the same shall be charged by the government of the said Confederate States as a credit to the State of Texas.

Mr. Prendergast moved to amend by striking out all except the portion relating to an auditorial board.

Mr. Chilton offered the following as a substitute.

"Provided the Confederate States of America, upon the acceptance by the congress of the tender herein made, shall become responsible to the State of Texas for such amounts due the State of Texas by the late United States government as may have been acknowledged before the 2nd day of March, A. D. 1861."

On motion of Mr. Hogg the ordinance and amendments were laid on the table.

Mr. Jennings, from the committee on the Constitution, made the following report,

The committee on the Constitution, to whom was referred a resolution proposing to prohibit the release of debts due to the State, with certain proposed amendments thereto, with instructions to put the same in the form of an ordinance, in compliance with said instructions beg leave to report the accompanying ordinance, which they believe embodies the views of the Convention so far as they have been expressed upon the matters in question. The committee have instructed me to say that in reporting this ordinance they have merely complied with the instructions of the Convention, without intending to express their own opinions either for or against the propositions involved.

Respectfully submitted.

"An ordinance to amend the 7th Article of the constitution of the State of Texas." Read 1st time.

An Ordinance to amend the Seventh Article of the Constitution of the State of Texas.[83]

Be it ordained by the People of the State of Texas in Convention assembled, That the Seventh Article (General Provisions) of the Constitution of the State of Texas be and the same is hereby amended by adding the following sections:

Section 38. No loan shall be authorized by the Legislature, of any fund belonging to or created by this State, to any corporation except in aid of Internal Improvements, nor shall any loan be made in such cases except it be upon interest payable at periods not greater than one year and upon sufficient security taken by first mortgage or lien upon the public works and franchises of the corporation to which such loan is made; nor shall any such loan be released or discharged without full payment; nor shall the interest thereupon or any part of it be released, or the payment thereof be deferred for a period longer than one year; nor shall the security taken be released or in any way diminished or impaired. These restrictions shall apply to loans which may have been heretofore made as well as to those which may be made hereafter.

---

[83] MS. in Miscellaneous Papers of the Secession Convention.

Section 39. The Legislature shall not in any case release any debt due to the State for Preemption or University lands sold or taken; nor shall it release or in any way impair or diminish any security which may have been taken for such debts.

On motion of Mr. Smith of Fannin the rule was suspended and the ordinance read a 2nd time.

Mr. Stewart of Anderson offered the following as a substitute.

An ordinance to protect the interests of the State of Texas.

That the legislature shall not have the power to relieve any corporation from the payment of any money loaned by the State to such corporation; or to relieve any corporation from the payment of any money either of principal or interest accruing to the State from such corporation for a valuable consideration.

Mr. Shepard offered the following as a substitute.

"No loan shall be authorized by the legislature of any fund, belonging to or created by this State, to any corporation."

On motion of Mr. Ireland the substitutes were laid on the table by the following vote:

Yeas, Mesrs. President, Armstrong, Box, Broaddus, Campbell, T. J. Chambers, Chilton, Chisum, Clopton, Cook, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Feeney, Graham of Rusk, Gray, Green, Hall, Hays, Hicks, Howard, Hunt, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Lester, Maltby, Marshall, Montgomery, Montel, Nauendorf, Palmer, Portis, Preston, Robertson of Bell, Robertson of Washington, Ross, Rugeley, Scarborough, Scott, Shuford, Shepard, Smith of Bexar, Stockdale, Waller, Walworth, Wharton, Wiley, Wilson of Tyler and Word, 56.

Nays, Mesrs. Allen, Bagby, Batte, Baxter, Black, Brahan, Chambers of Titus, Clayton, Coke, Harrison, Henderson, Hogg, Holland, Hoyle, Locke, McCraw, Miller, Moore of Burnet, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsome, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Prendergast, Rhome, Rogers of Marion, Runnels, Russell, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Terry of Tarrant, Thompson, Throckmorton, Todd, Wier, Wilcox of Bexar and Wilson of Hunt, 43.

On motion of Mr. Stell the ordinance was laid upon the table for the present.

Mr. Chilton introduced an ordinance declaring the jurisdiction of courts of the State of Texas, and for other purposes. Read 1st time.

An Ordinance declaring the jurisdiction of Courts of the State of Texas, and for other purposes.[84]

Section 1. Be it ordained by the People of the State of Texas in Convention assembled, That the judicial powers withdrawn from the United States by the secession of the State of Texas therefrom is hereby declared to be vested in the Courts of this State, to be exercised by them in such way as the Legislature may prescribe; provided however that the powers herein referred to do not include such as may have been or may be vested by this State in the Confederate States.

Section 2. That causes and proceedings depending in the Courts of the United States in this State on the 2nd of March A. D. 1861, or which may have been instituted previously therein, shall not be deemed to have abated or to have been destroyed or impaired by the secession of this State on said day, but that such cases and proceedings shall be transferred to such Courts of this State and in such manner and for such action thereon as the Legislature may prescribe.

Section 3. That all claims, demands, debts and causes of action in law or equity which the United States might lawfully have sued for or prosecuted in this State on the 2nd March A. D. 1861 are hereby declared to have accrued to and to have become the property of the State of Texas, and shall be sued for and prosecuted in the name and for the benefit of this State in such mode as the Legislature may prescribe; provided however that the Legislature is hereby authorized and empowered to transfer said claims, demands, debts and causes of action to the Confederate States.

On motion of Mr. Gray the rule was suspended, ordinance read a 2nd time and ordered to be engrossed.

On motion of Mr. Portis the rule was further suspended, ordinance read 3rd time and adopted.

Mr. Robertson of Smith chairman of the committee of Public Safety made a report.

On motion of Mr. Anderson of Colorado the Convention adjourned until 7 ½ o'clock, P. M.

Saturday, March 23rd 7 ½ o'clock, P. M.

The Convention met. Roll called. quorum present.

Mr. Stockdale offered the following resolution.

---

[84] MS. in Miscellaneous Papers of the Secession Convention.

"Resolved that the chairman of the committee on Printing be and he is hereby authorized to remain in Austin after the adjournment of the Convention to supervise and arrange the printing of such matter as has been ordered by this body, provided that his per diem pay shall cease within ten days from the period of adjournment."

Mr. Robertson of Washington moved to amend by adding "That the Secretary of this Convention be allowed 10 days from the adjournment of the same to bring up the unfinished business, and that he be allowed his per diem pay for said 10 days.["] Adopted.

And the resolution [was] adopted.

Mr. Stell offered the following resolutions which were adopted.

Resolved that the committee on Enrollment be allowed three days after the final adjournment to bring up the unfinished business of the Convention, and that the usual per diem pay be allowed therefor.

Resolved that officers of this Convention who are not members be paid for their services as follows, to wit: The 1st and 2nd assistant secretaries, and also the engrossing and enrolling clerks, eight dollars pr. day, the sergeant at arms and assistant, each seven dollars pr. day, and all others including chaplain and pages five dollars pr. day, out of the appropriation made for the expenses of the Convention.

The President submitted the following communication.

Austin Texas March 23, 1861.

Hon. O. M. Roberts,
President of the Convention.
Sir,

On my arrival at Montgomery, Ala., I immediately presented to the delegates from Texas then present at the seat of government the ordinance of secession passed by the Convention of Texas. And on the next day, to wit: the 15th day of March 1861, the Hon. T. N. Waul, one of the delegates from Texas, presented the aforesaid ordinance to the congress of the Confederate States, then in session at Montgomery, Ala. And I have further to state that in view of the present uncertainty of affairs in relation to the mail facilities of Texas, and the great anxiety to know what were the views and intentions of the post master general as to the time when the new order of things would be inaugurated, I addressed him a note upon that subject, a copy of which accompanies this report, and his reply to the same, and also a copy of another letter written in answer to a similar inquiry from a member of the convention of the State of Louisiana.

All of which is respectfully submitted

S. P. Hollingsworth
Bearer of dispatches.

Montgomery, Ala. March 16, 1861.

Hon. J. H. Reagan
P. M. General,
Sir,

Being on the eve of my departure for Texas, and it being my purpose to return immediately to Austin to the Convention of Texas who are still in session, and knowing that it is the desire of the Convention to know at what time it is expected that the postal system of the Confederate States will go into operation, you will do me the favor to give all the information in your power upon this subject.

Yours respectfully
S. P. Hollingsworth
Bearer of dispatches from Texas.

Confederate States of America,
Post Office Department,
Montgomery March 16th 1861.

Dear Sir:

In answer to your letter of this date, advising me of your intended return to Austin, Texas, and of the desire of the State Convention of Texas to know at "what time it is expected the postal system of the Confederate States will go into operation," I have the honor to answer,

That it is the purpose of the government of the Confederate States to assume the entire control of its Postal Service at the earliest day possible. But the causes of delay, incident to the organization of the Department, are of such a character as to place it out of my power to give a definite answer to your question at this time. If the government at Washington should discontinue the old service suddenly and abruptly at any time, however, I have authority to continue the present postmasters and contractors provisionally in the service of the Confederate States, by proclamation, so that the public interests can receive no great shock hereafter by the sudden discontinuance of the old service.

In the meantime, and until this Department shall assume the direction of postal affairs, I hope postmasters and others connected with the present mail service will continue to perform their duties, and make all their returns and payments regularly and faithfully to the old government as heretofore. That government may be regarded as carrying our mails at this time, as a matter of necessity to the people of both governments, resulting from our past connections political, commercial and social, and from the present necessities of the people of both governments. And while it consults such considerations fair dealing and a sense of justice require our people to act with the same high regard to great public necessities, and pay to its direction all the receipts of the service and render all proper accounts.

I shall use every effort to relieve the country of this embarrassment as soon as possible.

With great respect,

Jno. H. Reagan
Postmaster General.

S. P. Hollingsworth Esq.
Montgomery Ala.

Confederate States of America
Post office Department.
Montgomery March 16th 1861.

Sir,

In answer to your letter of the 9th instant, enquiring in behalf of the convention of Louisiana, "of the measures that may be taken or are about to be taken by the government of the Confederate States in relation to our mail,["] I herewith enclose you a copy of my answer of this date to S. P. Hollingsworth Esq. who made similar enquiries in behalf of the people of Texas. The question as to what is to be done in relation to contractors and employees in the postal service, to whom the government of the United States may be indebted now, and may become indebted between this and the time when the governmen of the Confederate State shall assume the control of our postal affairs, will have to be referred to the consideration of the congress of the Confederate States, no provision having been made to place that matter under my control

I have the honor to be with great respect

John H. Reagan,
Post Master General.

Hon. Alexander Walker,
New Orleans, La.

Mr. Lea offered the following resolution which was adopted

"Resolved that a committee of three be appointed by the President of this Convention to prepare a brief exposition of its proceedings with reasons therefor as an address to the people for general information, that 10,000 copies be published for circulation by members of the Convention, that the permanent constitution of the Confederate States of America be published as a part of said address, and that one-fifth of the whole be in the German and Spanish languages, half in each language.["]

Messrs. Lea. Brown and Stell were appointed the committee.

Mr. Jennings moved a reconsideration of the vote adopting the ordinance declaring the jurisdiction of courts of the State of Texas, and for other purposes. Carried by the following vote.

Yeas, Mesrs. Adams, Anderson of Colorado, Armstrong, Bagby, Batte, Beazley, Box, Black, Brahan, Brown, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chisum, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Early, Ford of Caldwell, Ganahl, Graham of Rusk, Hall, Harrison, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hoyle, Ireland, Jennings, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, McCraw, Miller, Moore of Burnet, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nichols, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Preston, Rainey, Rhome, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Runnels, Scott, Shuford, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Terry of Tarrant, Thompson, Todd, Watkins, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson of Hunt, Wilson of Tyler and Wright, 91.

Nays, Mesrs. Broaddus, Campbell, Chilton, Edwards, Feeney, Gray, Green, Hunt, Mason, Montgomery, Nelson, Portis, Prendergast, Robertson of Smith, Robertson of Washington, Russell, Shepard, Stockdale, Throckmorton, Waller, Wharton and Word, 21.

Mr. Wilcox of Bexar offered "An ordinance concerning the courts of the United States in Texas" as a substitute.

An Ordinance concerning the courts of the United States in Texas[85]

Be it ordained by the people in Convention assembled that the Legislature be and it is hereby invested with full powers to make such regulations and disposition of the Judgments, suits, records and papers belonging to, pending in, or concerning the courts of the United States in Texas as may be necessary to preserve the rights of parties litigant therein, and no rights shall be impaired or destroyed by reason of the secession of this State from the late Government of the United States Wilcox

Mr. Lea moved to amend by adding

Sec. 2. "The legislature may provide in its discretion for jurisdiction and disposal of suits, records and papers which were in the courts of the United States of America in this State on the 2nd day of March A. D. 1861."

On motion of Mr. Rainey the ordinance, substitutes and amendments were laid on the table.

Mr. Dancy introduced an "ordinance relating to the laws of the State of Texas.[")] Read 1st time.

---

[85] A. D. S. in Miscellaneous Papers of the Secession Convention.

On motion of Mr. Dancy the rule was suspended and the ordinance read a 2nd time.

Mr. Portis offered an ordinance to substitute the words "Confederate States" for the words "United States" wherever they may occur in any of the laws or statutes of the State of Texas.

On motion of Mr. Scott the previous question was ordered.

The ordinance was ordered to be engrossed

On motion of Mr. Dancy the rule was suspended, the ordinance read a 3rd time and adopted.

Mr. Nelson introduced an ordinance relating to the commissioners to the Indian nations. Read 1st time.

An Ordinance relating to the Commissioners to the Indian Nations[86]

Sec. 1. The people of Texas in Convention assembled do ordain and declare that James E. Harrison, Charles A. Hamilton and James Borland, Commissioners accredited by this Convention to the Indian Nations, shall make a full report of their acts and doings on said mission to the governor of this State, who shall transmit the same to the President of the Confederate States of America, retaining a copy of the same in the State Department

Sec. 2. The Legislature of the State of Texas are hereby authorized by law to provide for the compensation of said Commissioners and their Secretary for their services on said mission

On motion of Mr. Wilcox of Bexar the rule was suspended and the ordinance read a 2nd time.

On motion of Mr. Robertson of Smith the ordinance was amended by adding

"Sec. 3rd. That Col. Jno. S. Ford, Col. Henry E. McCulloch and Genl. E. B. Nichols, and the commissioners to San Antonio report their accounts to the governor, which have not been passed upon by this Convention, and that the governor, treasurer, and comptroller audit the same and give certificates for the amount due each of them if anything, for the payment of which the faith of the State is hereby pledged; provided no account shall be allowed except such as were created in obtaining and preserving the federal property for the State and defending the county."

[“]Sec. 4. That Col. Jno. S. Ford shall discharge the troops under his command on the Rio Grande so soon as the regiment over which he has been elected to command shall be mustered into service; that H. E. McCulloch shall discharge the troops under his command so soon as the regiment called out by the Confederate States shall be mustered into service."

[86] MS. in Miscellaneous Papers of the Secession Convention.

On motion of Mr. Brown, the ordinance was further amended by adding after the word "command" and before the word "shall" in the 4th section the following: "excepting such of them as may be retained in the service under the provisions of the ordinance raising the regiment."

The ordinance was then ordered to be engrossed.

On motion of Mr. Robertson of Smith, the rule was suspended, and the ordinance read a 3rd time.

On motion of Mr. Shepard, the caption was so amended as to make it read "An ordinance concerning certain commissioners and officers, appointed by authority of this Convention."

The ordinance was then adopted.

Mr. Brown offered the following resolution which was adopted.

"Resolved, as the sense of this Convention, that the people of Texas fully appreciate the patriotism of those officers of the U. S. Army, whether stationed in, or citizens of this State, who have resigned the commissions and cast their fortunes with the Confederate States, and that their appointment to positions of equal or higher grade in the Confederate Army would meet the cordial approval of this State.

"Resolved that we cherish feelings of approval and pride towards the cadets at West Point from this State, who have resigned and returned home to serve their State, and respectfully recommend their appointment to appropriate positions in the army of the Confederate States.

"Resolved that the President of this Convention be instructed to transmit a copy of these resolutions to President Davis and the Secretary of War at Montgomery.["]

Mr. Hall moved to take up an ordinance to prevent the citizens of the U. S., under certain circumstances, from suing in the courts of this State. Lost.

The motion of Mr. Scott to reconsider the vote adopting the resolution "That no new business shall be introduced, nor shall any speech exceed five minutes in duration, and that the Convention, when it adjourns Saturday night, will adjourn 'sine die'["] having been postponed till to day, and being next in order, prevailed.

On motion of Mr. Terry of Tarrant the resolution was laid on the table.

On motion of Mr. Locke, Mr. Earley was excused from attendance upon the Convention from and after today.

On motion of Mr. Wilcox of Bexar, Mr. Ford of Caldwell was also excused.

On motion of Mr. Chilton, the doorkeeper was also excused.

On motion of Mr. Nicholson of Fannin, Mr. Wilson of Hunt and Mr. Obenchain were also excused.

On motion of Mr. Locke the ordinance to amend the 7th Article of the constitution of the State of Texas was taken from the table.

Mr. Payne offered the following as a substitute.

"Be it ordained by the people of Texas in Convention assembled that the 7th Article of the constitution of the State of Texas be so amended as to add the following section:

["]Sec. The legislature shall have no power to relieve any corporation of any contract entered into by said corporation with the State, unless by a three-fourths vote of both houses of the legislature.["]

On motion of Mr. Dancy laid on the table.

Mr. Locke offered the following as a substitute.

"Be it ordained by the people of Texas in Convention assembled that the 31st Section of the 7th Article of the constitution of Texas shall be so amended as to add at the end of said section the following words, to wit:

"The legislature shall not have power to relinquish to any corporation monies due the State by said corporation; nor to extend the time of payment of the principal or interest due to this State by corporations longer than the 1st day of September 1861; nor shall the legislature have the power to release any of the securities given by corporations for their indebtedness to this State."

Mr. Stockdale moved to lay the substitute on the table.

Lost by the following vote.

Yeas, Mesrs. President, Armstrong, Box, Brahan, Broaddus, Wm. Chambers, Chambers of Titus, Cox, Dancy, Davenport, Davidson, Devine, Dunham, Edwards, Feeney, Gray, Green, Hall, Hays, Henderson, Holland, Howard, Jennings, Jones, Lea, Lubbock, Mason, Montgomery, Moore of Fayette, Montel, Nauendorf, Nichols, Palmer, Portis, Robertson of Washington, Rogers of Marion, Russell, Scarborough, Scott, Shepard, Smith of Bexar, Stockdale, Wharton, Wilcox of Bexar and Wilson of Tyler, 45.

Nays, Mesrs. Bagby, Batte, Baxter, Black, Brown, T. J. Chambers, Chilton, Chisum, Clark, Clopton, Coke, Cook, Dean, Earley, Fall, Flournoy, Ganahl, Graham of Rusk, Harrison, Hicks, Hogg, Hoyle, Locke, McCraw, Moore of Burnet, Nash of Dallas, Nash of Kaufman, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Prendergast, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Ross, Runnels, Shuford, Scurry, Smith of Fannin, Smith of Bexar, Terry of Tarrant, Throckmorton, Waller, Wier, Wilcox of Denton, Wilson of Hunt and Word, 51.

On motion of Mr. Davidson the Convention adjourned until Monday morning at 9 o'clock.

City of Austin Texas, Monday, March 25th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of Saturday was read and adopted.

Mr. Brown offered the following resolution which was adopted.

"Resolved that a committee of three be appointed to present the Lone Star flag, heretofore presented to this Convention by a portion of the ladies of Travis county, to the governor of the State, with a request that it may be preserved in the executive department, to be annually hoisted on the 2nd day of March, and other important anniversaries in the annals of this State."

The President appointed Mesrs. Brown, Lesueur and Davidson said committee.

Mr. Terry of Tarrant offered the following resolution which was adopted.

"Resolved that the members of the committee of Public Safety, including the officers who were with them, who remained in session during the recess of the Convention, be allowed per diem pay and mileage for the distance traveled by each on business for the Convention during recess."

Mr. Anderson of Colorado introduced the following ordinance:

Whereas there is good reason to believe that many of the U. S. soldiers now in Texas and who have been in said State for many years are anxious to continue in the military service of the South in Texas; therefore,

Resolved that the governor of this State is hereby authorized and required to appoint three recruiting officers, to wit: one major and two captains, who shall repair immediately to points in Texas to be designated by the governor, and to enlist as many of said soldiers into the military service of the State as may desire to enlist, preparatory to permanent enlistment into the regular service of the Confederate States.

2nd. The quartermaster of the State shall furnish subsistence to said recruits from the time of said enlistment;

3rd. After said enlistment shall have been made and reported to the governor, he shall organize the recruits into companies, mounted or infantry, at his discretion, appoint officers for the same, and order them to such points in the State as he may deem best for the protection of the same.

4th. That all persons now within the jurisdiction of the State of Texas, including the officers and soldiers of the U. S. of America, be and they are hereby absolved from all obligations to support said government of the U. S. or the constitution and laws thereof.

Read 1st time.

On motion of Mr. Howard the rule was suspended and the ordinance read a 2nd time.

Mr. Robertson of Washington moved to amend by adding "Provided the legislature of this State shall have full power to alter, abolish or continue the policy herein created, at its pleasure; and provided further that whenever the government of the Confederate States shall take charge of this subject all rights accruing under this resolution shall end and have no force"

Mr. Wier moved the previous question.

Mr. Nelson moved to lay the ordinance and amendments on the table. Lost by the following vote:

Yeas, Mesrs. President, Allen, Bagby, Batte, Baxter, Beazley, Box, Black, T. J. Chambers, Chambers of Titus, Clark, Clayton, Coke, Davenport, Dean, Dunham, Fall, Feeney, Gray, Hall, Harrison, Holland, Henry, Hicks, Hogg, Howard, Hoyle, Kelly, Locke, Moore of Henderson, Neel, Nelson, Newsome, Nichols, Nicholson of Fannin, Palmer, Payne of Hopkins, Prendergast, Robertson of Bell, Scott, Smith of Fannin, Stell, Wier, Wiley, Wilson of Tyler and Word, 46.

Nays, Mesrs. Anderson of Colorado, Armstrong, Burditt, Brahan, Brown, Chilton, Chisum, Clopton, Cox, Dancy, Davidson, Ganahl, Graham of Rusk, Hays, Hobby, Hunt, Jones, Lesueur, Lea, Lubbock, Mason, Maltby, McCraw, Montgomery, Moore of Burnet, Montel, Nash of Kaufman, Nauendorf, Poag, Portis, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Rugeley, Runnels, Russell, Scarborough, Shuford, Scurry, Shepard, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Waller, Walworth and Wharton, 49.

The main question was then ordered, which was the engrossment of the ordinance.

The Convention refused to engross the ordinance by the following vote:

Yeas, Mesrs. Anderson of Colorado, Armstrong, Bagby, Batte, Burditt, Brahan, Brown, Chilton, Chisum, Dancy, Davenport, Ganahl, Graham of Rusk, Green, Hays, Hobby, Howard, Hunt, Jones, Lea, Lubbock, Mason, Maltby, McCraw, Moore of Burnet, Montel, Nash of Kaufman, Nauendorf, Neel, Portis, Robertson of Smith, Robertson of

Washington, Rugeley, Runnels, Russell, Scarborough, Scurry, Shepard, Smith of Bexar, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Waller, Walworth, Wharton and Word, 48.

Nays, Mesrs. President, Allen, Baxter, Beazley, Box, Black, T. J. Chambers, Chambers of Titus, Clark, Clayton, Clopton, Coke, Cox, Davenport, Dean, Dunham, Edward, Fall, Feeney, Gray, Hall, Harrison, Henderson, Henry, Hicks, Hogg, Holland, Hoyle, Kelly, Lesueur, Locke, Montgomery, Moore of Henderson, Nash of Dallas, Nelson, Newsome, Nichols, Nicholson of Fannin, Palmer, Payne of Hopkins, Prendergast, Rogers of Marion, Scott, Smith of Fannin, Stell, Wier, Wiley and Wilson of Tyler, 48.

Mr. Terry of Tarrant introduced the following ordinance "An ordinance touching the pay of judges, who are members of this Convention.["] Read 1st time.

Mr. Terry moved a suspension of the rules in order to put the ordinance upon its 2nd reading. Lost.

Mr. Jennings introduced "An ordinance specifying the ordinances of the Convention which shall be subject to legislative action." Read 1st time.

On motion of Mr. Jennings the rule was suspended, ordinance read a 2nd time and ordered to be engrossed.

On motion of Mr. Wharton the rule was further suspended, ordinance read a 3rd time and adopted.

Mr. Locke, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined the following ordinances, and find the same correctly engrossed, to wit:

"An ordinance to ratify the constitution of the Confederate States of America.["]

"An ordinance to amend the 1st and 2nd Secs. of Art. 3 of the constitution of the State of Texas."

"An ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State."

"An ordinance concerning certain commissioners and officers appointed by authority of this Convention." and

"An ordinance relating to the laws of the State of Texas."

All of which is respectfully submitted.

Mr. Lea introduced an ordinance concerning the suits, records and papers which pertain to the federal courts in Texas. Read 1st time.

Mr. Terry moved a suspension of the rule to put the ordinance upon its 2nd reading. Carried.

The ordinance was ordered to be engrossed by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Armstrong, Bagby, Beazley, Box, Black, Brahan, Brown, T. J. Chambers, Chambers of Titus, Chisum, Clark, Coke, Cox, Dancy, Davenport, Davidson, Dean, Dunham, Edwards, Feeney, Ganahl, Graham of Rusk, Gray, Green, Harrison, Hays, Henry, Henderson, Hobby, Howard, Hoyle, Hunt, Jones, Kelly, Lea, Locke, Lubbock, Mason, McCraw, Montgomery, Moore of Burnet, Moore of Henderson, Montel, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nichols, Norris, Palmer, Portis, Prendergast, Robertson of Bell, Robertson of Washington, Rogers of Marion, Rugeley, Runnels, Scarborough, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Gonzales, Stockdale, Terry of Tarrant, Throckmorton, Waller, Wharton, Wier and Word, 76.

Nays, Mesrs. Baxter, Clayton, Hall, Hicks, Hogg, Jennings, Lesueur, Maltby, Nash of Dallas, Nicholson of Fannin, Rainey, Rhome, Scott, Wiley and Wilson of Tyler, 15.

On motion of Mr. Dancy the rule was supended, the ordinance read a 3rd time and adopted.

Mr. Brown, chairman of the select committee, made the following report,

"The undersigned committee, appointed for that purpose, have presented to the governor for preservation in the executive department the Lone Star flag presented to the Convention by a portion of the ladies of Travis county, with the wish of the Convention that it might be annually hoisted on the 2nd day of March and other important anniversaries in the history of our State. The governor received the banner and in reply said 'it should be sacredly preserved' and delivered to his successor in office for the purposes named."

Mr. Shepard from the committee on enrollment reported as correctly and duly enrolled and signed by the President and Secretary of the Convention:

"An ordinance to confer jurisdiction over the forts, navy yards, arsenals and light houses in the State of Texas upon the Confederate States of America;" also

"An ordinance relating to the expenses, debts and liabilities of this Convention;" also

"An ordinance to amend the 1st and 2nd Sections of Art. 3 of the constitution of the State of Texas;" and also

"An ordinance to ratify the constitution of the Confederate States of America.[")]

And the following ordinances correctly and duly enrolled and signed by the Vice President and Secretary of the Convention.

"An ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State[”]

“An ordinance specifying the ordinances of the Convention which shall be subject to legislative action.[”]

“An ordinance concerning the suits, records and papers which pertain to the federal courts in Texas.”

“An ordinance relating to the laws of the State of Texas,[”] and

“An ordinance concerning certain commissioners and officers appointed by the authority of the Convention.”

Mr. Green offered the following resolution which was adopted.

“Resolved that the President of this Convention, or in case of his absence, the Vice President thereof, after the adjournment thereof, may correct and sign the Journals of this day’s proceedings, and shall also sign any resolutions or ordinances adopted by this Convention that may be correctly enrolled.

“Resolved further that this Convention do now adjourn ‘sine die.’[”]

Before the vote was put, Mr. Henderson offered the following resolution which was adopted.

“Resolved that the thanks of this Convention are hereby tendered to the President, Vice President and other officers for the impartial and dignified manner in which they have transacted the business of this Convention.”

The resolutions offered by Mr. Green were then adopted, and the Convention adjourned “sine die.”

City of Austin Texas, Tuesday March 26, 1861.
Read and approved
Jno. D. Stell
Vice President

APPENDIX I.

ADDRESS TO THE PEOPLE OF TEXAS.[1]

Austin, March 30th, 1861.

Fellow Citizens:

The undersigned are a committee of the Convention to prepare a brief exposition of its proceedings, with the reasons therefor, as an address to the people for general information.

The political crisis arose from an irreconcilable diversity of opinion between the Northern and Southern portions of the United States of America as to relative rights. Separation of Southern from Northern States was the leading object of the popular movement, with a view to a consequent confederacy of seceded States, as the best means if not the only mode of securing essential and inalienable rights. In this State, the public mind was exercised by the question of our final separation from all other States; but the idea of such a result had no favor; and the apprehension of it was used as an argument against secession, while the objection was met by the assured policy of a seceded confederacy. Hence, with rare exceptions, the advocates and opponents of immediate and separate secession of this State commenced and prosecuted the canvass, differing on the leading proposition of secession but uniting in opinion that consummated secession should result in confederation as an incident. So the decisive issue was on secession.

---

[1] On March 23rd, the Convention adopted following resolution offered by Mr. Lea: "Resolved that a committee of three be appointed by the President of this Convention to prepare a brief exposition of its proceedings with reasons therefor as an address to the people for general information; that 10,000 copies be published for circulation by members of the Convention; that the permanent constitution of the Confederate States of America be published as a part of said address; and that one-fifth of the whole number be in the German and Spanish languages, half in each language."

Messrs. Lea, Brown and Stell were appointed the committee.

The address was not published till after the adjournment of the Convention. It bears date of March 30th, but was not printed in the *State Gazette*, whose office had the contract for public printing, until April 13th, about which time, too, the pamphlet edition appeared, entitled, "The Constitution of the State of Texas, as amended in 1861. The Constitution of the Confederate States of America. The Ordinances of the Texas Convention: and an Address to the People of Texas. Printed by order of the Convention and the Senate."

It will be noticed that more is included in the pamphlet than the instructions of the Convention called for. In a note, on page 13 of the pamphlet, Mr. Brown, who superintended the printing, explains this; he says, "the State Senate subsequently [to the adjournment of the Convention] directed that the Ordinances of the Convention and the State Constitution, as amended, should be printed therewith."

The address is appended to the Journal because of the reasons it embodied, which the committee was instructed to set forth, for the proceedings of the Convention.

Early in the canvass, public sentiment was entitled to prompt facility for its authoritative expression, and a call of the legislature was earnestly claimed as the ordinary means. It is needless to recite any of the known particulars of the executive opposition to the secession movement; but the substance of that opposition must be always in mind in order to understand the popular action of this State. As a remedy against executive dictation in our State government and against a ruinous administration of the federal government, the people had but one mode of action; that was prescribed by and for themselves, in the declaration of rights in our State constitution, as follows:

> Section 1. All pollitical power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the inalienable right to alter, reform or abolish their form of government in such manner as they may think expedient.

To attain the objects, and under the necessity before stated, the people rose in their sovereignty and constituted a Convention to be the representation and instrumentality of their will. At the election of delegates, although held under utmost disadvantages, the aggregate of votes for secession candidates, according to the best information, was over thirty-two thousand. The proceeding was extraordinary and returns were irregular and incomplete, of necessity, from such an election; but reliable information showed for secession over 32.000, more than half of the largest poll ever given at an election in this State. In opposition there were comparatively few votes. And many other circumstances concurred in establishing the certainty that the secession sentiment was far in the ascendency.

Thus elected and for such purposes the delegates assembled in Convention at Austin, on the twenty-eighth of January. Although at the time of the election, South Carolina was the only State that had completed secession and many persons were deterred from voting by apprehension that she might not be sufficiently imitated, yet the secession voters expected co-operation. Before the meeting of the Convention, Florida, Georgia, Alabama, Mississippi and Louisiana had seceded, and Texas was the only exception among all the Gulf States. Encouraged by such examples, Texas felt sustained in her convictions of the propriety of secession before the commencement of the Abolition administration of the general government. Admonished by the same circumstances of her peculiar dangers to arise out of, even, delay in co-operation with those States, Texas had just fears as well as natural sympathies to prompt the earliest practicable association with the seceded States. They had appointed delegates to meet at Montgomery, Alabama, on the fourth of February, to form a provisional government, as a first necessity, and afterwards to prepare and submit a constitution for the government of a permanent confederacy. It would be out of place and time in this address to recite the causes justifying secession. They have been heretofore published by the Convention.[2] But they must ever be most prominent in considering the current of causes and effects.

Under such circumstances, the Convention was not recreant to its mission. On the first day of February, the fourth after its meeting, the Convention by a vote of one hundred and sixty-six affirmatives to eight negatives adopted an ordinance for withdrawing this State from the Union, to take effect on the second of March, unless rejected by the people at an election to be held on the twenty-third of February. The legislature and the executive had previously recognized the Convention as a representation of the people and were in a formal attendance, on invitation, at the adoption of the ordinance. Such recognition was gratifying to the public in general and relieved some persons from doubts of the legality of the Convention; but it always claimed, by express avowals, to have its authority and instructions directly from the people. The ordinance of separation might have been made immediately final, if necessity had required it; but there was time before the fourth of March to obtain a more formal and unquestionable expression of public sentiment, and the anniversary of Texas independence, the second of March, was selected as the day of final separation, subject to express rejection at a general election for which provision was made. While that election was to be decisive on the question of separation, it was in its nature to be conclusive on the question of confederation, unless some unexpected event should occur to require another direct and formal expression of the public will. If the Convention could have trifled with itself, it had too much respect for the intelligence of its constituents to suppose that they intended to have such an agency constituted simply to prepare and propose a secession ordinance for their ratification or rejection, and then to retire although the public necessities which caused the convention demanded its continuance for immediate and essential action. Even willing legislative and executive functionaries could not do what was necessary, in many respects, for want of authority; and another convention could not be constituted in time for emergencies which did not admit of delay. The Convention, as the authorized agency of intelligent public will, proceeded to do whatever the occasion required, but no more. The ordinance of secession involved the public safety which could not be secured by means of the ordinary government, and a committee of safety was constituted with adequate powers to provide means and to control the U. S. military force, with its incidents, within this State, and to substitute indispensable temporary protection. Further, to secure the public safety and to obtain other inestimable advantages from immediate connection with the States which had finally seceded and were then in convention at Montgomery, Alabama, delegates to that convention were elected, to be advisory as to the interests of this State until the consummation of its separation, and then to participate on terms of equality in administration of a provisional government and in preparation of a constitution for a permanent confederacy. Moreover, to promote security and other manifest benefits from the contemplated confederacy, commissioners were delegated to Arizona and New Mexico to procure their co-operation, and other commissioners were sent to the Choctaw, Chickasaw, Creek and Cherokee nations to aid in preparing them for alliance with such confederacy. Also other corresponding measures of minor importance were adopted. Having made such arrangements for parts of the great popular enterprise, the Convention adjourned on the fifth of February to meet again on the second of March, as a continued agency to execute the public will.

---

[2] See pages 61-65 above.

On the day for ratification or rejection of the ordinance for separation the whole subject was before the voters: the state of the general crisis; what the Convention itself had done; what the committee of safety was doing during the recess; what commissioners were to do; and what was the incipient relation and prospect of permanent connection of this State with the Confederacy. The Convention acted and proposed to act as the authorised agent of the people, and they had an opportunity to affirm or disaffirm such agency by ratifying or rejecting its principal act. The result of the election on the secession ordinance shows more than three in favor of it to one against it, and an aggregate of over sixty thousand votes—some additions to the regular announcements being made by subsequent official returns—and the returns of one hundred and twenty counties being included, while only three small counties are not included, of all that have been organized.

The Convention reassembled on the second of March and soon found that the election had reindorsed it as the public agency for the political reformation which was in progress.

During the recess the committee of safety, by its agents, with the spontaneous and patriotic co-operation of citizen soldiery had made arrangements for removing from Texas by the safe coast route the whole military force within Texas pertaining to the Union, and for the surrender of all property and possessions (with small, honorary exceptions,) held in Texas by the federal government. The execution of such arrangements has progressed nearly to completion, and so as to leave no doubt of full accomplishment at an early date, without any violent collision, although the just apprehension of it caused indispensable preparation. The troops thus called into the field, and some others have supplied the place of those sent away, as well as circumstances would allow, and will continue to do so until superseded by regular forces. Details of the proceedings of the committee of safety can not be here admitted, but they are otherwise published, and they do honor to the committee and their agents while sustaining the Convention for constituting such power as a temporary necessity.

The Convention found that the constitution for the provisional government of the Confederacy was well adapted to the emergency, without departing from any essential principle of the Union constitution, and the measures of the provisional government appeared to be well adapted to circumstances. The selection of persons for the presidency and vice-presidency seemed to be entirely appropriate. The Convention had no hesitation in expressing a formal approval of the constitution and administration of the provisional government, which was not to continue longer than one year and was to be superseded within that time by a permanent government.

It would be out of place here to state what the provisional government has done, unless in connection with some action of the Convention. But is proper to say that the measures of that government have superseded the action of this State on postal affairs and on revenue by customs. Under that temporary government, also, judicial jurisdiction is similar to that of the federal government, but with one judge to each State. As to military and naval affairs, the provisional government has provided so that the Convention did not deem its action necessary, except as before stated, and to raise one regiment of mounted volunteers to serve twelve months, unless sooner discharged. That government is raising in Texas another similar regiment and will doubtless accept the former. A law of the last session of the present legislature provided another mode of defense by small companies of citizens as minute men, along the whole line of frontier from the Rio Grande to Red River. All these forces are considered more available for protection against Indians and other marauders than any previous forces in Texas since its annexation to the Union government. But there is a deficiency in artillery, infantry and engineering forces for which the provisional government is making provision. So there

C.A. [illegible]

7 Feb. '61

is a better prospect and assurance of protection than has been heretofore given with reference to the interior frontier, and the change of circumstances must superinduce better preparation for defence along the coast. Moreover, the legislature is in session and has power to provide further against insurrections or invasions, if occasion should require.

Secession from the Union and connection with the Confederacy caused a necessity for a change in the State constitution, so that the oath of office should have "The Confederate States of America" substituted for "The United States of America." One ordinance made this change, and another prescribed the times and modes for taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States, where willing officials were not captious. The lieutenant-governor, commissioner of the general land office, (who was opposed to secession,) comptroller, state treasurer, attorney general, all of the supreme and district judges who were in Austin, every member of the State senate, every member of the house of representatives, except one, and many county officers who were in Austin promptly took the oath prescribed by the amended constitution. Of those who thus took the oath a considerable portion had opposed secession. But the governor and secretary of state declined to take the oath when notified according to the ordinance therefor. Thereupon the Convention by another ordinance declared as consequences that each office was vacant and that the executive powers devolved on the lieutenant-governor. The original State constitution provided that the lieutenant-governor should so act in case of any vacancy in the office of governor. And so the lieutenant-governor is performing the executive duties without consent but without resistance by the late governor, who still claims to be legally in office. In this and other instances he has "sought out many inventions" to array the functionaries of the State government against the Convention, which has been obliged to control such official opposition in pursuing the even tenor of the way to render effectual the known public desire for thorough work, to give early security, peace and quietude. The will of the late governor has been against that of the people as to their political destiny, and the one or the other had to yield. The people could not.

At length the "Constitution of the Confederate States of America," for the permanent government was received. The Convention had previously declared in its ordinance directing the delegates from this State to participate in forming such a constitution that it should "not become obligatory on this State till approved by the people in such way as should be determined upon." That the people might approve by the existing Convention, or that it might provide for another popular election, remained for determination on the arrival of the constitution. Had it contained any unexpected principle, so as to make a new case in substance on which the public mind had not been ascertained, the importance of prompt ratification could have yielded to the paramount necessity for another election. But no such necessity appeared in any part of the constitution, which did not depart from the general expectation unless it did so in the excellence of its conformity with the best hope of the people. Former elections with attending circumstances left no doubt of the public wish and the corresponding authority of the Convention for immediate and final ratification of the of the constitution. If the power existed the expediency of such a course was commanding for various reasons. The people could not desire to be troubled by another general election without necessity, and they felt the importance of early relief from strife within this State as to its political position. Prompt certainty, of course, would justify the Confederate government in adopting more expensive, effective and permanent measures for the defence of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defence of Texas, the appearance of uncertainty as to its political position would embarrass the pending arrangements for an alliance between the Confederacy, as one party, and the Choctaw, Chickasaw, Creek and Cherokee nations, in concert, as the other party. Such hesitation on the part of Texas would tend to produce similar hesitation in Arizona and New Mexico as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring government and people of Mexico, as to desirable negotiations and intercourse. Any appearance of doubt that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements of Texas would be embarrassed and retarded; and so as to the judiciary and revenue. Delay would prostrate trade and commerce. A final connection of this State with the Confederacy, without delay, would give to it additional strength, and promote early success in its negotiations as to peace with the old government—as to the procurement of money—as to recognition by other nations— and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the border States, as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations. A like influence would materially affect immigration from those States, conducing to the advantage of the immigrants and to the growth of this State. In view of such considerations, the Convention promptly and finally, on the twenty-third of March, ratified, accepted and adopted the constitution by a vote of one hundred and twenty-eight affirmatives, to two negatives. A copy of this guaranty for our future liberty is annexed to this address as part of it, so that the public may have a connected view of the progress and result of the recent wonderful political enterprise of the people of this State.

The people will see that the constitution of the Confederate States of America is copied almost entirely from the constitution of the United States. The few changes made are admitted by all to be improvements. Let every man compare the new with the old and see for himself that we still cling to the old constitution made by our fathers.

But the connection of Texas with the Confederacy involved a necessity for modifications of our State constitution, so that it should be in conformity with our new relation, and another consequent necessity required that the legislature should have some extension of power to raise funds within bounds and on terms that would be safe and beneficial to the State. Such modifications were made. The Convention realized that other changes of the State constitution were desirable, but its amendments were confined to particulars which were considered to be necessary parts of the great political change.

Many other interesting incidents might be stated, but they would cause this address to be tedious, and the foregoing outline may enable the people to take a connected and orderly view of the substance of the proceedings by which there has been accomplished a political reformation which has no parallel, considering the opposing circumstances and the triumphant success. The people of Texas have asserted their sovereignty. They have dissolved their connection with a government whose administrative power had been augmented and directed so that it would procure their ruin. They have connected themselves with another government whose foundations give the most hopeful assurance of permanent constitutional liberty. By two general elections and two meetings of the Convention, in a State of vast area, within seventy-eight days, the whole change of government has been completed. The popular demonstrations have overcome thousands of the regular army of the old government and an opposing minority of citizens, without bloodshed. Every citizen, if he will, may look with patriotic pride on the consummated reformation whose progress caused no vital interruption in public or private business and whose result is an assurance of the best security and enjoyment which human government can afford. When permanently successful, such a remodeling of government, embracing our complicated system of reserved State rights and delegated Confederate authority, may give a better guaranty than all history that our people at least are capable of instituting and maintaining free government.

The Convention having finished its work in harmony with the legislature confides in that body and the present executive and the judiciary to conduct the State government according to the will and interests of their constituents.

The Convention congratulates the people on the prompt and thorough accomplishment of their wishes. But some citizens are not satisfied: a large portion of those who did not favor secession have subsequently acquiesced and many of them have become identified with it by candid co-operation. But in various parts of the State there are some persons who continue pertinacious in their opposition. It is not the province of this address to comment on their conduct. Their rights as citizens are not questioned, but their *duties* are equally unquestionable; and it is proper merely to state their position. Their platform denounces the Convention as an usurpation, and tolerates it only as a partial instrument of the legislature in submitting the ordinance for secession to a popular election, and declares all its other acts to be without authority and void, notwithstanding 46,000 voters endorsed it. Their platform assumes the superiority of the ordinary government over the sovereignty of the people as represented by the Convention, and repudiates its acts with singular inconsistency, inasmuch as the legislature itself in various modes has recognized and approved the Convention and co-operated with it as a lawful representation of the people, even asking and obtaining from it, for the public good, a certain extension of legislative power. Their platform claims a pretended right to use force against the Convention and its acts, but for the present defers the exercise of such monstrous power. Time must show whether it is to be asserted by violent action, under other circumstances. Their platform appeals to the people against the alleged usurpations by encouraging reaction and disorganization, thereby encouraging discord and strife; to which ends, among other means, it stimulates jealousies and hostilities among various classes of the community.

In any practical view of the great crisis, there are but two positions for citizens to take—either with the combined policy of separation from the old Union and connection with the Confederate States, or with the contrary. The former is an existing reality, the latter is in opposition to the constituted authority and the public will of Texas. Minor considerations of form must yield to substance. The sovereign will of the people must be sustained. The Convention would fain hope for speedy and universal harmony in devoted patriotism.

The coming elections of this year, for both State and Confederate officers, will deserve peculiar attention by the people so that they may have the best possible guarantees for accomplishing the great objects of our political reformation.

It has not been deemed necessary to speak particularly of the question of peace or war. The Convention acted with a view to either alternative. The people will be gratified to know that the members of the Convention have acted with such mutual courtesy that there has not been a single instance of personality in its deliberations.

Having finished its business about noon of the 25th March, the Convention, in an orderly manner, adjourned *sine die*. Its proceedings affecting military movements were necessarily secret for the moment, but the injunction of secrecy was removed almost immediately, and the world knows now every transaction. The Convention will be tried by its works, and it feels no apprehension of the freemen of Texas. Invoking the blessings of Heaven on whatever has been properly done by the Convention, its members, except the few who have been called to public stations in the Confederacy, return to their ordinary pursuits in society to share for weal or woe what has been done in common with their fellow-citizens.

For the Convention, by its committee,

Pryor Lea, of Goliad,
John Henry Brown, of Bell,
John D. Stell, of Leon.

APPENDIX II.

REPORTS OF THE COMMITTEE ON PUBLIC SAFETY[1].

REPORT NO. 1.

Committee Room,
March 6th, 1861.

To the Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety beg leave to submit through you to the Convention of the people the following report in detail of the numerous and important matters which were confided to them, both during the sitting of the Convention and during the recess from the adjournment on the 4th day of Feby and the reassembling of the same on the 2nd day of March.

After the passage of the ordinance of secession by the Convention, the committee believing that it would be of the highest importance to secure to the State of Texas the property belonging to the United States then within the State, [and] that the public safety demanded that Texas should have control of the arms and munitions of war within her limits, it was too manifest for the committee to hesitate as to their duty on this subject. The policy of coercion, it was believed, would be adopted by the incoming administration of the late United States government, and with about 2,800 U. S. regular troops stationed at different points in the State, all of whom were well supplied with arms and ammunition, the committee believed their presence under the command and control of U. S. officers was dangerous to the welfare and safety of the State, especially if they remained here without change until secession of the State of Texas became a finality.

---

[1] The reports of the committee on Public Safety are appended to the Journal and cover pages 225-354 of the manuscript volume. These reports were printed at the time they were made by order of the Convention, and form an octavo volume of 173 pages, entitled "Reports of the Committee on Public Safety to the Convention of the People of the State of Texas, which assembled at Austin, the 28th January, 1861, and re-assembled on the 2nd day of March, 1861: Containing the Missions to San Antonio, to the Rio Grande, and to the N. W. Frontier. Gen'l Roger's mission to Louisiana, to procure arms and the Conference of the Sub-Committee with the late Gov. Houston, with accompanying documents. Austin: Printed by John Marshall. State Printer. 1861." Portions of the reports, together with other matters pertaining to the military operations in Texas during the first half of 1861, are printed in volumes 1 and 53, Series I, of *The War of the Rebellion.* However, copies of the complete reports are so scarce, and the entire proceedings of the committee on Public Safety are so intimately connected with the acts of the Convention that it was deemed best to reprint them in connection with the Journal. The originals of the reports have not been found It may be of sufficient interest to note that the copy of printed reports, used in connection with the Manuscript Journal in the preparation of the present reprint, was presented by John C. Robertson, chairman of the committee on Public Safety, to O. M. Roberts, president of the Convention, and was subsequently presented by the latter to the University of Texas.

It was also believed by the committee that although many of the army officers in command in the 8th military district of the State of Texas would never consent to use the military forces under their command against the people of Texas, yet the committee did not know and could not how soon the friends of the South might be superseded and our enemies placed in their stead. In view of these facts and the fact that Texas was justly entitled to her share of the public property, and in view of the fact that Texas was without arms for her defense, the committee under the authority of an ordinance of the Convention, passed the 2nd of Feby, 1861, proceeded to set on foot a plan for obtaining possession of the United States property and for the removal of the United States troops from Texas.

The following is a copy of said ordinance:

Resolution of the Convention conferring authority on the committee of Public Safety.

Resolved by the people of the State of Texas, by delegates in Convention assembled, That should the standing committee on Public Safety deem it essential to the public safety to appoint commissioners, officers or persons in reference to taking possession of any of the Federal property within the limits of this State, they shall have power to appoint such and assign them their duties, and give them the instructions under which they shall act; but this power shall only extend to such cases in which the committee may deem prompt action and secrecy absolutely necessary.

That a copy of this resolution, signed by the President of the Convention, and the appointments and instructions, signed by the Hon. Jno. C. Robertson, chairman of said committee, shall be full authority to the person or persons acting under the same, and a full justification for all acts done in pursuance thereof.

Adopted Feby 2nd, A. D. 1861.

Preparatory for the appointment of officers and commissioners under said ordinance, and to insure secrecy as against the enemies of the country, the following proceedings were had by the committee.

On the 3rd of Feby, 1861, it was moved and adopted by the committee that all officers appointed by this committee should be elected by ballot, and the commissioners above named were so elected.

Monday, 4th Feby, 1861.

The following oath was proposed and adopted by the committee to be administered to each of the committee and all officers and agents employed by it:

"I solemnly swear that I will keep secret all the councils of this committee and all their proceedings; that I will also keep secret all the orders, resolutions and instructions from them that may be committed to me; that I will not divulge them or any of them to any person whatever, unless I am authorized to do so by the said committee.

"I further swear that I will true allegiance bear to the State of Texas, and faithfully execute the orders and instructions committed to me by the Convention so far as in me lies, so help me God."

The Convention, in view of the fact that the business before the committee could not be done during the sitting of the Convention, passed the following ordinance requiring them to continue in session during the recess of the Convention:

"Resolution giving power to the committee to sit during recess, etc.

"Resolved that the standing committee on Public Safety shall continue in session during the recess of the Convention; that they hold their meetings at such times and places as in their judgment the public interest requires; that said committee may grant leave of absence to its members, provided such leave of absence shall not reduce the number left to a less number than nine.

"2nd. Resolved that said committee shall keep a full and accurate journal of their acts in a well bound book,[2] and report the same to the Convention on the reassembling thereof on the 2nd day of March next."

Adopted, February 4th, 1861.

On the 3rd day of Feby, 1861, the committee having been informed that General Twiggs, who was then in command of the 8th military district in Texas, with head quarters at San Antonio, was a Southern man by birth and friendly to the cause of the South, and would in all probability surrender up to the Convention all the federal property under his control on demand made, passed the following resolution with the hope that civil commissioners might accomplish the purpose of the committee without a display of armed force:

Feby 3, 1861.

On the same day the following resolution was presented and adopted.

"Resolved that Sam A. Maverick, Thos. J. Devine, P. N. Luckett, and Jas. H. Rogers be appointed commissioners to confer with Gen'l D. E. Twiggs with regard to the public arms, munitions of war, etc., under his control and belonging to the government of the U. S., with power to demand and receive the same in the name of the State of Texas, and that said commissioners be clothed with full power to carry into effect the powers herein delegated and retain possession of such arms, munitions, stores, etc., subject to the order of the Convention of the people of the State of Texas, and report their acts and doings in the premises to the committee on Public Safety."

---

[2] This book has not been found.

Pursuant to this resolution, the following commission was issued to T. J. Devine, Sam A. Maverick, P. N. Luckett and J. H. Rogers, clothing them with authority as therein set forth, and with the authenticated copies of the ordinance of the Convention raising the committee on Public Safety, and clothing them with powers to appoint commissioners, etc., and their authority to exhibit to Gen'l Twiggs:

State of Texas
County of Travis

By virtue of the authority vested in the committee on Public Safety, as appears in the foregoing resolution adopted by the Convention of the people of Texas, assembled in the City of Austin on the 28th day of Jany, 1861, You, T. J. Devine, S. A. Maverick, P. N. Luckett and Jas. H. Rogers are hereby appointed commissioners to visit Maj. Gen. Twiggs, commanding in the 8th military division, stationed at San Antonio, and confer with him in the name and by the authority of the people of Texas in Convention assembled, to demand and receive and receipt for all military, medical, commissary and ordnance stores under his control within the limits of the State of Texas, exercising all due discretion for the securing and safe-keeping of the same. To be held by you without diminution or injury, subject to the order of the committee on Public Safety, and in obedience to the provisions of such rules or ordinances as the Convention may prescribe.

Library and Historical
Commission
Austin, Texas

Given under my hand, and by order of the committee of Public Safety, at the City of Austin, Feby 5th, 1861.

J. C. Robertson,
Chrm'n of the Com. on Public Safety.

Attest.
Thos. S. Lubbock.
Jno. A. Green.

But lest Gen. David E. Twiggs should decline to surrender the government property to the commissioners and delay might prove fatal to the enterprize, the committee thought it prudent to elect Col. Ben. McCulloch to the military rank of colonel of cavalry and commission him accordingly, which they did. The following is a copy of his commission:

Austin Texas, Feby 3, 1861.

The committee do hereby appoint you, Ben. McCulloch, military officer, and order you to hold yourself in readiness to raise men and munitions of war whenever called on by the commissioners to San Antonio, and to be governed as directed by the secret instructions given to said commissioners concerning said command, and you will station yourself at the residence of Henry McCulloch and await the communications of said commissioners or the committee on Public Safety.

Jno. C.Robertson,
Chrm'n of the Com. on P. S.

The civil commissioners to San Antonio, T. J. Devine and others, were also furnished with secret instructions to be followed by them should Gen'l D. E. Twiggs refuse to turn over to them the government property. The following is a copy of said secret instructions:

Committee Room, Austin, Feby 6/61.

The committee met at 9 o'clock, A. M. roll called. quorum present.

The following instructions were presented to the committee and adopted:

To Messrs. Sam A. Maverick, Thos. J. Devine, Phillip N. Luckett, and Jas. H. Rogers.

Gentlemen,

The resolution of the committee of Public Safety by which you were appointed gives the outline of your authority and duty. You are sensible that the trust reposed is of the highest responsibility and involves the most delicate and important duties. In the discharge of that trust you will be governed by the following instructions:

1. You will repair immediately to San Antonio, the head quarters of Gen'l Twiggs, in command of this Department. You will ascertain from him his sentiments in regard to the existing state of affairs, and the position he intends to occupy in reference to the withdrawal of Texas from the Federal Union. If he informs you that he intends to remain in the service of the Federal government and execute its orders against Texas, no further friendly conference with him will be desirable, and you will be governed in your conduct as hereinafter instructed; but, if on the other hand, he should express a determination not to remain in the service of the Federal government after the 4th of March next, then

2. You will learn from him the terms and conditions upon which he will render up to the people of Texas the arms and public property under his control in Texas, or if he should suggest to you a plan for the peaceable accomplishment of that object you are directed to adopt and observe such suggestions, if deemed by you practicable, and act

in accordance with it. If, however, he should decline suggesting any plan of action, you will then

3. Demand of him, in the name and by the authority of the sovereign people of Texas, a surrender of all the arms of every description including quartermaster, commissary's, ordnance and medical stores of every description and money and everything else under his control belonging to the Federal government.

4. Should a display of force become necessary in order to make the demand, you will direct Col. Ben. McCulloch to call out and take the command of such force of the volunteer and minute men of the State as will be necessary for that purpose, and then repeat the demand, and then if the demand should be complied with you will take charge of everything turned over to you, taking a complete inventory and executing all necessary receipts. You will do everything in your power to avoid any collision with the Federal troops and to effect the peaceable accomplishment of your mission, and for this purpose he shall obey your instructions.

5. If Gen. Twiggs should indicate a desire not to turn over to you such military stores, arms and other public property until after the 2nd day of March next, but a readiness to do so then, you will then enter into an arrangement to the effect that everything under his command shall remain in *statu quo* until that period, that no movement, change of position or concentration of troops under his command will be allowed, that none of the arms, ordnance, commissary or military stores or other property shall be removed or disposed of. If he refuses to make such arrangements, you will see that no such movement, change, concentration or removal shall take place, and you are authorized to use every means to prevent the same.

6. If after conferring with Gen'l Twiggs you should be of opinion that military force is necessary, you will immediately proceed to assemble the same and communicate by express to this committee. Should the property be turned over to you, you will employ all the necessary clerks and other persons to take charge of the same. You will raise a military force of volunteers or minute men to guard the same safely while it shall be controlled by you.

You are instructed to take the most especial care that nothing shall be wasted or destroyed, but that everything be faithfully guarded and held for the use of the State and to be accounted for.

Whatever military force that shall be raised must be kept in strict subordination and no violation of person or property of any person must under any circumstances be allowed.

If, after your arrival at San Antonio, circumstances shall occur which are not covered by the foregoing instructions, you will immediately report to the committee for further orders unless they be so urgent as not to admit of delay, in which event you must use your discretion, but immediately report your course of action.

You will take all pains to ascertain the tone and temper of the officers and men of the Federal army, and may give them the assurance of the influence of Texas in securing to them the same or higher grades in the service of the Southern Confederacy as those now held by them, if they are inclined to accept the same. Take every pains to conciliate them and attach them in sentiment to the cause of Texas and the South.

You will avoid every appearance of making a proposal to Gen. Twiggs or any officer under his command, which will wound a soldier's pride and honor. They should, however, be reminded that they have been stationed in Texas for the protection and not the subjugation of her people, and that patriotism is incompatible with warring against the liberties of their fellow citizens.

You are specially charged that in the performance of the service assigned you, that you will do nothing that will conflict with the powers herein conferred. You will from time to time make full and complete reports to this committee.

Jno. C. Robertson
Chrm'n of the Com. of Public Safety.

Vested with the authority contained in the commission and secret instructions, three of the commissioners, to wit: Thos. J. Devine, Sam Maverick and P. N. Puckett, on the 6th day of Feby, set out for San Antonio. On the 8th day of Feby, said commissioners forwarded by express to the committee the following communication:

San Antonio, Feby 8th, 1861.

J. C. Robertson, Esq.,
Chrm'n of the Com. of Public Safety.

The undersigned in accordance with their instructions called on Gen'l D. E. Twiggs, and by his request met him at 2 o'clock this afternoon and in presence of Maj. Nichols we stated our mission and presented our credentials, (which Gen. Twiggs did not ask or evince the slightest desire to have read to him or even to look at,) and carried out our interview in accordance with the letter and spirit of our instructions as nearly as practicable.

Gen. Twiggs expressed himself strongly in favor of Southern rights, and caused copies of his letters to the War Department to be read to the committee, in which he asserts that he will not be instrumental in bringing on civil war, and a great deal more in that line which may mean something or nothing according to circumstances, and he very significantly asserted that we had not seceded.

He expressed a willingness to keep everything under his command as it now is until the 2nd of March next, and would give us information if he should be suspended, and in the event of the State being in favor of secession would, on demand made by the Convention, deliver all up, but expressed a fixed determination to march the troops under his command out with all their arms, transportation facilities, and extra clothing to be delivered to them, etc.

The undersigned, after considerable conversation on the subject of their mission, retired for consultation, and, being desirous of avoiding if possible the necessity for collecting a force around the city for the purpose of compelling a delivery, Mr. Maverick was deputed to obtain from the General a statement in writing of what he was willing to do, in the hope that it would under our instructions be admissible: he refused to make any statement or give any pledge in writing.

Upon ascertaining this fact we determined to send an express without delay to Col. Ben. McCulloch to bring as large a force as he may deem necessary, and as soon as possible to San Antonio.

The substance of Gen'l Twiggs' conversation or verbal offer was this: "that he will hold things as they are, and will if in *command* on the 2nd day of March next deliver to the commissioners all the public property that is not desirable or convenient for him to carry away on or after that time."

He professed great admiration for the manhood, soldiership and patriotism of Gen. Scott, and is evidently inclined to imitate him in the present crisis in many respects.

He is no doubt a good Southern man, as far as hatred to Black Republicanism can make a man such; there is however a higher element than hatred. We do not know to what extent that sentiment prevails with Gen. Twiggs, but we are of the opinion that Gen. Twiggs will not permit it to interfere with what he believes to be due to *himself*.

He spoke during the interview of his feeble health, of his having received an offer from Georgia for a command in that State, and of his having refused it on the ground of ill health. He referred to the great expenditure of the army exclusive of the pay of troops, said it is more than a million and a half, and inquired where Texas could obtain means to meet that outlay which she would lose by seceding. These and other remarks on the question by him forced a somewhat unwilling conviction on the minds of the undersigned that he was decidedly adverse to the secession of Texas. He mentioned the omission of Capt. Ross to do full justice to Sergeant Spangler, and the omission of Governor Houston to give credit to Major Van Dorn for his success in the Comanche fight, and remarked that these were indications of the temper of Texas toward the officers and men of the army. The conclusion we have arrived at is this, that we must obtain possession of that which now belongs to Texas of right by force, or such a display of force as will compel a compliance with our demands, and that without an hour's unnecessary delay. In all these movements celerity, secrecy and strength should be our motto.

If there are any men to spare on or near the Colorado, we think it would be well for them to move in as large numbers and as speedily as possible towards the city to support if necessary Col. McCulloch's movement. Whatever is to be done up North, it is well should be done speedily. You had better inquire of Mesrs. Hall and Hyde of the legislature the condition of Forts Bliss and Quitman, as the men and munitions in those forts could be moved without delay to New Mexico, giving to the Federal government at Washington a large body of troops to hold that country against the Southern movement, and thus build up a free State to injure and annoy us in the not very remote future. By referring to the inclosed order you will see Gen'l Twiggs is preparing for a move. We are decidedly of the opinion for the reasons set forth, with reference to New Mexico, that it will be unwise to permit a single company of U. S. troops to march from any portion of Texas into New Mexico. If the officers are determined to carry them to aid Lincoln's government, let them go by the way of the coast or we can disband them if we so decide. We repeat it, we must not let a single company from Fort Bliss to Fort Brown leave the State by the Kansas, New Mexico or any other route, save the coast.

The captain commanding the ordnance department at this point is not friendly to our cause. He is said to be in possession of about $40,000 for the construction of the U. S. arsenal; what do you suggest respecting his being compelled to deliver it up, if in his possession, and what course do you suggest in the premises?

We would like to have any suggestions or instructions you may consider necessary; we would adhere to them if circumstances demanded it, (if in our power,) if not we will do what the emergencies of the hour demand, doing what we believe to be our duty, and leaving the consequences to God.

In haste, we remain yours, etc.

Thomas J. Devine,
S. A. Maverick,
P. N. Luckett.

On the 9th of Feby, the committee forwarded by express the following instructions to Col. Ben. McCulloch, the military commander, in addition to those contained in the secret instructions to the commissioners. It was thought prudent and expedient to enlarge his sphere of action since it was now evident that he was called into the field.

To Col. Ben. McCulloch:
Sir:

Having received information that the commissioners Sam A. Maverick and others, sent to San Antonio to confer with Gen'l Twiggs, have under their instructions called you into the field, the committee have resolved to confer upon you the military commission of colonel of cavalry to date as of the 3rd inst, in the district embracing a point on the Rio Grande half way between Forts Duncan and McIntosh and with the frontier to Fort Chadbourne, including San Antonio and all intermediate posts; and in addition to the instructions given to the commissioners heretofore, (with whom you are advised freely to confer on all subjects of interest as far as possible,) you are instructed that:

Should it be deemed advisable to retain any portion or all of the Federal troops in your district in the temporary service of the State, you can do so and assure them that Texas will use her best endeavors with the Southern Confederacy to be formed to have them incorporated into the army of said Confederacy with the same rank now held by them.

In case any or all of them should express a desire to depart the country peaceably, you may permit them so to do upon such terms as will not dishonor them and as will insure the public safety, and in such manner as will insure safety to their persons and property. The committee also desire that the commissioners will, under the powers heretofore given them, furnish such aid and assistance as may be deemed necessary.

In all other matters not contained in these or the previous instructions, you will observe your best judgment and discretion in any emergency which may present itself.

Any information that you may desire to give to the committee will be expressed to Jno. C. Robertson, Galveston, Texas.

Jno. C. Robertson,
Chrm'n Com. on Public Safety.

Attest:
R. T. Brownrigg, Sec'y to Com.

On the 10th of Feby, said commissioners to San Antonio sent the following communication to the committee:

San Antonio, Feby 10, 1861.

Jno. C. Robertson
Chrm'n Com. on Public Safety.

Dear Sir,

We have nothing to communicate since our letter of the 8th, unless it be the receipt of a communication from Col. McCulloch, informing the undersigned of his having received our communication and that he expected to be at or near Seguin on the 13th or 14th with whatever force he could raise.

After dispatching our communication to you we determined if possible to prevent the necessity of resorting to a display of force around this city; and with that object in view we again communicated with Gen'l Twiggs in writing, requesting from him a written statement of what he was willing to do. The answer to this was an order to Major Vinton, Major Maclin and Captain Whiteley to confer with the undersigned to transact such business as relates to the disposition of public property. On the receipt of this communication on the morning of the 9th, we replied that we would meet the military commission at 12 o'clock that day at such place as they might designate, and if that hour did not suit their convenience then at such time and place as they might designate that afternoon. The answer expressed a desire to meet the committee at Gen'l Twiggs' at 10 o'clock, A. M., on the 11th. We will to morrow present our request in writing, and the answer will enable the committee to judge with a reasonable certainty whether the whole proceeding is not intended for delay, until Gen'l Twiggs can call in several companies from the outposts and the additional reinforcements of several soldiers *en route* with a provision train from the coast for Arizona. Upon one point Gen. Twiggs is fixed and apparently unalterable, that is that the troops in Texas under his command shall retain *all their arms* with the means to carry them out of the State.

What do you think of that? Please give the views of the committee on this and every other subject connected with our mission as fully and speedily as possible. We again repeat that it is not desirable that a single company of U. S. troops shall move to New Mexico or Arizona. If the troops of the Northern government concentrate in either of those territories, we believe from their peculiar position that it will fix their status as "free soil" territories and leave us a nest of hornets to deal with in the future.

We will require means for the subsistence of the troops that may be called out by Gen. McCulloch or from this city and vicinity; we desire some information on this point, as your committee must be aware that the readiness with which the necessary expenses are met in the commencement may have a salutary influence in many respects upon our cause in the future.

If there is any action had or information obtained respecting the northern posts, it might be desirable that we should be put in possession of such information, as it may influence our action materially.

Very respectfully,
Thos. J. Devine,
S. A. Maverick,
P. N. Luckett.

To this communication the chairman of the committee returned the following answer, which met with the approbation of the committee:

Austin, Texas, Feby 12, 1861.

Thos. J. Devine, S. A. Maverick, P. N. Luckett,
Commissioners.

Gentlemen:

Your letter bearing date the 10th inst. to me has been received. In view of the committee's departure this afternoon for Galveston they can not be got together even if it were necessary; the result of the action of the committee on the subjects contained in this communication, I think, is full and hope will meet your views. The committee do not wish to dishonor the army by requiring of them anything which would seem to do so. If you have to resort to force (actual) and are successful, then we suppose, of course, they would be vanquished and must submit to your terms; but if you treat with them as gentlemen, as equals, of course, we would not desire anything dishonorable to be yielded by them, but this is mere speculation on my part. The instructions we think will meet with your views, if not, you have a large discretion. As to whether they should be permitted to go out into Arizona and New Mexico, the committee have very wisely left that matter discretionary with you. It is the opinion however of some of the committee that it can make but little difference in which direction they leave the country.

It is suggested that they might land below the mouth of the Rio Grande and travel up into Arizona and New Mexico; besides if it is the policy of the U. S. of the North to concentrate a force in those territories we could not prevent it by requiring these to go by way of the coast. It is a matter of some importance to know how they could subsist in those territories at this time. The productions of those territories could not subsist them a week without ruin to the few who are there. Many of the committee do not think Gen'l Twiggs would be so recklessly regardless of his native South as to inaugurate a guerrilla warfare upon her border. But, gentlemen, you are in the midst of the circumstances and can best judge of what to do. Relying upon your wisdom and prudence we leave it with you.

We will start to-day for Galveston, where we hope to get some money, and if successful we will promptly express a part to you.

In behalf of the committee I assure you of our sincere desire for your success in your patriotic enterprise, and of our personal regard for each of you.

I have the honor to remain, your obd't serv't,

Jno. C. Robertson,
Chrm'n Com. on Public Safety.

The committee remained in painful suspense, and looked with no ordinary anxiety for the next news from said commissioners and from Col. McCulloch, believing, as they did, that a conflict was inevitable. The committee felt many gloomy forebodings, not that they doubted the result of the conflict, for they had every confidence in the gallantry and chivalry of the Texas volunteers and in the military skill, prudence and bravery of the officer in command. The committee likewise drew great consolation from their reliance upon the prudence and wisdom of the commissioners. The committee were happily relieved by the following communication from the commissioners, which is submitted with the accompanying documents:

San Antonio, Feby 18, 1861.

Hon. Jno. C. Robertson
Chairman of the committee on Public Safety.
Sir:

We have at last completed the principal part of the business confided to our management. In our communication of the 8th inst., we informed you that we had called in the aid of the volunteer force under Col. Ben. McCulloch; he arrived on the Salado, five miles from this city, on the evening or night of the 16th inst, with about 500 men, and marched into town about 4 o'clock, A. M., with about one half of his force, when he was joined by about 150 K. G. C.'s and about the same number of citizens who were not members of the order, and about the same number from the Medina, Atascosa and the country west of this city. At 5 o'clock the men were in positions around the arsenal, the ordnance, the Alamo and the quarters in the commissary buildings occupied by one company of the Federal troops, and at the same time the tops of the buildings commanding the arsenal and ordnance ground were occupied. We, in accordance with our instructions, repeated the demand, and after considerable delay came to an arrangement with Gen'l Twiggs, the substance of which was that the U. S. troops in San Antonio, 160 in number, should surrender up the position held by them and that all public property under the command of the officer in San Antonio be delivered over to the undersigned. The troops to retain their side arms, camp and garrison equipage, and the facilities of transportation to the coast, to be delivered up on their arrival at the coast. This morning we effected an arrangement with General Twiggs by which it is agreed that all forts in Texas shall forthwith be delivered up, the troops to march from Texas by way of the coast, the cavalry and infantry to retain their arms, the artillery companies being allowed to retain two batteries of light artillery of four guns each, the necessary means of transportation and subsistence to be allowed the troops on their march towards the coast; all public property to be delivered up. We might possibly have retained the guns at Fort Duncan by a display of force, which display of force would have cost the State eight times the value of the batteries of light artillery. Your instructions, however, counseled avoiding collision with the Federal troops if it could be avoided. Gen. Twiggs having repeatedly asserted in the presence of the military commission and ourselves that he would die before he would permit his men to be disgraced by a surrender of their arms, that the men under his command had never been dishonored or disgraced and they never should if he could help it. By this arrangement at least $1,300,000 worth of property will belong to the State, the greater portion of which would be otherwise destroyed or squandered. By this arrangement we are freed, without bloodshed or trouble, from the presence of the Federal troops; they cannot go to New Mexico or to Kansas to fix freesoilism on the one, or to be the nucleus of a northern army in the other to menace our frontier in the future. The labor performed by the undersigned in the business undertaken by them has been neither light nor pleasant; we have adhered to the letter and the spirit of our instructions, and exercised our discretion only when it became absolutely necessary. We had some anxious hours resting upon us from the time the volunteer force commenced closing around the city until after the surrender of the posts held by the United States troops. Our force must have been at 8 o'clock, A. M., not less than 1100 men under arms, and a more respectable looking or orderly body of men than the volunteer force it would not be easy to find. We have taken measures to secure the public property and have authorized Major Sackfield Maclin, paymaster, U. S. A., and who, as you will perceive from the army list, stands high upon the same, to act as adjutant and inspector general and chief of ordnance, combining the business of three departments in one. This economises expense and gives the State for the present the services of a man competent to the duties assigned him, capable of preventing the confusion and consequent loss that would fall upon the State by the appointment of an incompetent person. Maj. Maclin is a true southern man; he resigns his commission in the Federal army, giving up an income from that government of nearly $4,000 pr. annum. We address him as colonel for the purpose of giving him an honorable stand in his expectations or claims on the Southern Confederacy in some future military appointment. His appointment by the undersigned lasts until set aside by you ~~or,~~ the Convention's order. Please let us know whether you approve of this action. Capt. Reynolds has been acting as assistant quartermaster at San Antonio; he will resign his commission as captain in the U. S. army; we have for the same reasons set forth in Maj. Maclin's case appointed him chief quartermaster, and have combined with the former duties the labor of the commissary department, which has heretofore had a first and second assistant commissary. We have likewise consolidated with his duties the office of military storekeeper, narrowing down the expense as much as possible. A building rented by the U. S. government as a commissary department, soldiers' quarters, general staff, etc., we have determined to release the State from any liability for, as the commissary stores can be stored in the Alamo buildings; said buildings rent for $6,000 a year. In furnishing the U. S. troops transportation facilities, the officers representing the State will be busily employed for some time. When we can obtain a breathing spell we will go into further details; we will select agents to give receipts and hold the public property left at the posts, until otherwise directed.

We remain respectfully, etc.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Commissioners on behalf of the Com. on Public Safety.

The following report from Col. Ben. McCulloch is herewith also submitted:

Head Quarters, Middle Division,
State Forces, San Antonio, Texas.

Hon. J. C. Robertson
Chrm'n of the Com. on Pub. Safety.
Sir.

On the receipt of the order of the commissioners calling on me to raise men for the purpose of securing the property, arms, etc., of the

United States, at San Antonio, immediately I proceeded to take steps to collect such a force as would be sufficient to accomplish the purpose. To Texans a moment's notice is sufficient when their State demands their service.

On the night of the 15th inst., by 12 o'clock, a force of near 400 men from the adjacent counties had assembled on the Rio Salado. At 3 o'clock, A. M., the 16th, we took up the line of march for the city; at 4 o'clock, when near the suburbs, ninety men were ordered to dismount and enter the city on foot, when I posted them in such positions as commanded those occupied by the Federal troops. The main body came in on horseback; at daylight several volunteer companies of San Antonio turned out promptly, and co-operated with us to aid the State;[3] orders were given to the troops under my command not to fire until fired upon. In a very short time it was ascertained that no resistance would be offered. The Federal troops were requested to keep within their quarters until the commissioners should agree upon the terms by which the arms and other property of the Federal government should be surrendered to the State.

This was decided by the commissioners and General Twiggs before 12 o'clock, M, wherefore I instantly informed the forces under my command of the fact, and of there being no necessity for their remaining away from their ploughs and other peaceful avocations. They left immediately for their homes, conscious of having rendered service to their State, and giving offence to no one save her enemies.

To make distinctions where all acted so nobly would be as unwise as unjust, but I cannot refrain from expressing my thanks to all for their gallant and prompt response to the call of their State, and my admiration for their orderly conduct whilst we held the city.

Having performed the duty assigned me by the enclosed order, I now report myself ready to perform such service as shall be assigned me by your committee or the commissioners appointed by you. The commissioners have very kindly relieved me of many duties common to officers commanding. It being my duty only to organize and command such forces as may be necessary to secure and guard the public property in my division in charge of persons appointed by the commissioners to receive the same from the Federal officers.

---

[3] The force under Col. McCulloch included a battalion from Gonzales, under Col. Jones, Captains Ashby and Key; Captain Martin's company from Seguin; the Alamo City Guards, Capt. Edgar; Ward Company No. 2, Captain Newton; Alamo Rifles, Capt. Prescott; Capt. E. H. Rogan's company, from Lockhart; and Capt. Jett's company. **The following companiesof K. G. C.'s:** San Antonio Castle, Col. Wilcox; Charles Bickley Castle, Capt. Teel; Pleasanton Castle, Capt. Walker; New Braunfels Castle, Capt. Thomas; Seguin Castle, Capt. Herron; Castroville Castle, Capt. Paul. Maj. Wm. Scurry's Command from De Witt county.—*The State Gazette*, March 9, 1861.

I have this day appointed W. T. Mechling my assistant adjutant general, with the rank of captain.

I am, sir, very respectfully, your obd't serv't,

Ben. McCulloch,
Colonel commanding.

Head Quarters, Department of Texas,
San Antonio, Feby. 18th, 1861.

General Orders, }
No. 5. }

The State of Texas having demanded through its commissioners the delivery of military posts and public property within the limits of this command, and the commanding general desiring to avoid even the possibility of a collision between the Federal and State troops, the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, their line of march out of Texas by way of the coast, marching out with their arms, (the light batteries with their guns,) clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops prepared for attack or defense against aggressions from any source.

The troops will carry with them provisions as far as the coast.

By order of Brevet Major General Twiggs,

U. A. Nichols,
Ass't Adj't General.

San Antonio, Feby 18th, 1861.

The undersigned, commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them, have formally and solemnly agreed with Brevet Maj. Gen. David E. Twiggs, U. S. Army, commanding the Department of Texas, that the troops of the U. S. shall leave the soil of the State by the way of the coast; that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, and the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the commission that there be no infraction of this agreement on the part of the people of the State. It is their wish on the contrary that every facility shall be offered the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at various posts, other than that above recited for the use of the troops, will be turned over to agents to be appointed by the commission, who will give due and proper receipts for the whole, to the officers of the army, whom they relieve from the custody of the public property.

Thos. J. Devine,
P. N. Luckett,
S. A. Maverick,
Com'rs on behalf of the Com. on Pub. Safety.

Your committee herewith submit to the Convention a full and complete report of the commissioners to San Antonio, in regard to the subject of their mission.

San Antonio, March 2nd, 1861.

To Jno. C. Robertson,
Chairman of the Com. on Public Safety.
Sir:

The undersigned commissioners, appointed by the Committee of Public Safety to visit San Antonio and confer with Brevet Maj. Gen. David E. Twiggs, U. S. A., Comdg. Department of Texas, on the subject of the public property in the State under his control, and to demand the delivery of the same should it be deemed necessary, submit the following as a report of their proceedings and a statement of subjects connected therewith.

Having arrived in San Antonio, the commissioners on the evening of the 7th ult. communicated with Gen. Twiggs, when it was arranged that the next day should be the time for a formal interview with him respecting the subject intrusted to their care. Upon calling on him, the subject of the visit and extent of the powers conferred upon the commissioners were stated and the present condition and future prospects of the State were set forth as reasons why Federal property should be yielded up and the Federal troops removed beyond the limits of the State. In answer to these views and demands, that officer stated that "Texas was not out of the Union and would not be before the 2nd day of March, that for his part he would obey the orders of his government but would not draw his sword against the people of Texas, and referred to his 'order book' for proof of his having so declared in his communications to the War Department." In reply to a question respecting his removal from Texas, he admitted that he might be superseded and would only say that "all should remain as it was then until after the 2nd of March, when if Texas seceded he would then deliver up to the regularly constituted authorities of Texas all the public property under his control, other than that required for the use of the troops on their march to New Mexico." The credentials of the commissioners were presented and their contents stated, but no intimation was given either by word or gesture that he desired either to inspect or hear them read. The interview was prolonged for some time but nothing more tangible elicited, save his expressed determination to carry the troops to New Mexico and his resolve to lose his life sooner than permit them while under his command to be deprived of the arms pertaining to their respective corps. After the termination of the interview, the commissioners upon consultation deputed one of their number to call on Gen. Twiggs and request from him a written statement of what he would be willing to perform on or after the 2nd of March. He declined giving a written statement but informed the commissioners that a military commission would be selected to confer with the commissioners on the subject of the disposition of the public property. Believing that Gen'l Twiggs would neither do nor consent to anything being done that might possibly place him in a false or an apparently false position, either before the government whose interests he represented or before any portion of the American people, and being satisfied that the complications likely to ensue from the command of the Department passing into other hands or by reason of orders from Washington, being also of the opinion that the labors of the undersigned and the military commission would result in nothing but delay and that the best interests of Texas demanded that the troops amounting to nearly 3000 should not be permitted to march into New Mexico to hold and settle the condition of that Territory as a freesoil region, or into Kansas to form the nucleus of an army to harass and waste our frontier in the event of coercion being attempted by the Northern government, and that over $500,000 worth of transportation facilities as likewise the cavalry horses would be lost to the State by permitting the Federal troops to pass into either New Mexico, Kansas or the Indian Territory, it was determined that prompt and vigorous action was necessary. In view of this consideration and in accordance with previous instructions an express was dispatched that evening to Seguin calling on Col. Ben. McCulloch to assemble as large a force of the volunteers and minute men of the State as could be immediately collected and without delay to hasten to San Antonio. The next day a communication was received from General Twiggs, informing the commissioners that Maj. Vinton, chief quartermaster, Maj. Maclin, paymaster, and Capt. Whiteley, chief of ordnance, were appointed to act as a military commission to meet the undersigned respecting the disposition of the Federal property. A conference was had on this subject which resulted only in expressions on the part of Major Vinton and Capt.

Whiteley that it was proper and necessary that the troops should leave Texas by the Kansas route, that a considerable time would be necessarily consumed in arranging the heads of the various subjects to be discussed, and much time required to examine the different points raised This conference terminated without any advance being made towards an agreement for the delivery of the government property or the departure of the troops from Texas, and resulted in nothing save an increased belief on the part of the undersigned that delay was the object in view sought to be obtained by Gen. Twiggs in appointing the military commission and the end for which two of that body (Maj. Vinton and Capt. Whiteley) were acting. Two other interviews were had in which the same purpose was apparent, and at the last interview held Maj. Vinton, in reply to a question by the commissioners as to when an answer would be given to their last communication, stated that "a reply would be given some time between that day and the 2nd of March." This closed the interviews and a second express was sent to Col. McCulloch with suggestions respecting his movements.

On the morning of the 16th, that officer entered San Antonio with his command and being joined by the city companies, and about 100 citizens of San Antonio, and those from the Medina and Atascosa, the Alamo, commissary and arsenal buildings were surrounded and commanding positions secured before daylight, on the roofs of the adjoining buildings. At 6 o'clock, A. M., a demand in writing in accordance with their instructions was again made on Gen. Twiggs for the surrender of all public property and posts, and the interview between that officer and the undersigned resulted in the surrender of the posts held by the Federal troops and the delivery of all public property in San Antonio to the commissioners. The U. S. troops were permitted to retain their clothing, etc., etc., and marched out that evening to encamp at the San Pedro Springs, about one mile from the city, there to remain until transportation was furnished to convey them to the coast.

The property and posts in the city are held and guarded by seventy citizen soldiers. Negotiations were continued during the 17th, and on the evening of the 18th were terminated by Gen. Twiggs agreeing that all posts held by the Federal troops should be yielded to the commissioners, as likewise all public property under his control, that the troops should retain the arms belonging to the respective corps, which included two batteries of light artillery, the clothing of the men, the necessary stores, etc., etc., for an orderly movement to the coast, the transportation facilities, on reaching the coast, to be delivered up to the agents authorized to receive them.

The arrangements entered into between the commissioners and the general commanding the Federal troops in Texas it is believed are the best (so far as regards the safety of the State, its honor and pecuniary interest) that could be made. At the same time no humiliating conditions or unnecessary restrictions have been imposed on the officers of the late U. S. government. The departure of the troops by the way of the coast was viewed from the beginning by the commissioners as a measure of precaution coupled with a question of property; both ends have been attained. The permitting of two batteries of light artillery to leave the State has been a subject of complaint on the part of some of our people. Those persons however do not consider or ignore the fact that these batteries belong to and constitute as completely the arms of an artillery corps as do the muskets of the infantry, or sabre or carbine of the cavalry, that with Texas it was a mere question of property not exceeding $8,000 in value, with Gen. Twiggs, his officers and men it was a question of honor, a principle dear to the humblest as to the highest soldier in the army; that Gen. Twiggs had repeatedly declared he would sacrifice his life sooner than see his men dishonored or disgraced by being deprived of their arms. It is true the eight guns could have been secured, but at a cost to the State of more than twenty times their value in the payment and subsistence of the volunteer force necessary for that purpose, to which might be added the probabilities of a collision with its attendant loss of life and the grave consequences necessarily resulting therefrom. In addition to this may be stated the loss to Texas of all the mule teams, cavalry horses, etc., at the upper posts of Bliss, Quitman, Davis, Stockton, Lancaster, Hudson and Fort Clarke, which would have been carried with the troops at these posts into New Mexico, with the humiliation of a distinguished and honored soldier and the officers and men under his command.

For the correspondence between the undersigned, Gen. Twiggs, Col. McCulloch and the military commission, see documents numbered from 1 to 16 inclusive.[4]

In estimating the value of the property secured to the State, no exact statement can be made of the amount remaining at the different posts until inventories are received from the agents dispatched to those points. The entire value secured to the State may be estimated at a fair valuation as being worth not less than $1,600,000. It consists as follows:

At the San Antonio depot, cost of arsenal grounds, buildings and material of every kind on the ground...$	51,500.00

---

[4] The documents do not bear these numbers.

Ordnance stores, including arms, powder and ammunitions of every kind	282,132.26
Brass guns, howitzers, etc., etc., at different posts in Texas	24,635.00
Quartermaster's stores	178,666.00
Commissary stores	19,702.87
Medical and hospital stores	30,175.00
Soldiers' clothing, camp and garrison equipage	194,997.26
Total amount of property at San Antonio, including cannon at different posts valued at $24,635.00	781,808.39
It is estimated that the mules, cavalry horses, transportation facilities, camels, provisions and other property at the various posts, exclusive of buildings, will amount at first cost to not less than	700,000.00
Making in all available to the State for purposes connected with the defence of the frontier and for other uses, should the same become necessary, total	$1,481,808.39

The cost of placing the above property at its various locations has cost the Federal government not less than $100,000

Surplus of funds seized in San Antonio, estimated, $23,472.00.

For lists of the above property see exhibits marked A, B, C, D, E, F, G, H, I, J and K.[5]

For lists of persons retained for the present in the public employment in connection with the quartermaster's and commissary department, see report of agent, marked exhibit L.

The successor of Gen. Twiggs, Col. C. A. Waite, arrived in this city a few hours after the negotiations with Gen. Twiggs had been closed. Since that time the undersigned have been actively engaged in settling questions connected with the movements of troops towards the coast, and arranging the necessary means for their transportation.

Competent persons have been selected to proceed to and take charge of the property at the posts about being abandoned by the Federal troops. Bonds with sufficient securities have been required and given for the faithful execution of the duties entrusted to the agents. Small detachments of men for the protection of the buildings and public property at each post have been dispatched under the orders of Col. McCulloch. The detachments sent to the different posts vary in number from ten to twenty-five. They will remain at the points designated until further action is had by the Convention or legislature of the State, on this subject. See document number 25.

---

[5] These lists are not recorded in the Journal, nor have they been found.

On the morning of the 25th ult., information having been received that Capt. King, U. S. A., encamped with his company near this city had enlisted a soldier to serve in the army of the late U. S. government, a note was dispatched to Col. Waite, demanding the immediate discharge of the enlisted man and requesting that no further enlistments should be permitted by him in Texas. For his reply, announcing the discharge of the soldier and stating that nothing of the kind would be permitted by him, see documents Nos. 17 and 18.

In the performance of the duties confided to the undersigned in reference to obtaining all public moneys or funds, the most determined unwillingness to give any information has been displayed by the disbursing officers in this city with the exception of Maj. Maclin, Capt. Reynolds, asst. quartermaster, and Capt. W P. Blair, chief of commissary department.

On the evening after the surrender of the property and posts in San Antonio, the safe of Capt. Reynolds, in his office at the Alamo, was taken possession of. The amount of public funds contained therein is between nine and ten thousand dollars. This amount is more than covered by the debts previously contracted with, and due citizens.

With a view of securing to the people of Texas the sums due them, and to prevent the money from being carried out of the State, as also with the intention of securing any surplus funds, and for the purpose of ascertaining the debts due our citizens with the desire of having some reliable data upon which the State might act with reference to the honest or fraudulent claims that will in all probability be brought against her as the recipient of the Federal property in Texas, the commissioners repeatedly requested a statement from the disbursing officers of the funds and credits belonging to their departments, with a list of the debts contracted by them in the State. On the 22nd of Feby, 1861, the request was again made and the questions set forth in document numbered 20 were presented and answers required. Capt. Blair, commissary, and Major Maclin, paymaster, have answered. By the answer of Capt. Blair it will be seen that the debts exceed the funds and credits of his department. From the statement of Maj. Maclin it appears that the sum of $23,472.00 will remain after all claims against his department have been liquidated. This money is supposed to be *en route* from New Orleans to this city, and measures have been taken by the undersigned to seize and secure it. Upon receiving the answers of Capt. Blair and Major Maclin the guards placed upon their offices were immediately withdrawn. See answers of Capt. Blair and Maj. Maclin, marked Nos. 27 and 28.

Major Vinton, chief quartermaster, Maj. McClure, paymaster, and

Capt. Whiteley, chief of ordnance, having refused to answer or give any information on the subject, the guards placed upon their offices on the 27th ult., still remain. It is proper to state that Major Maclin and Capt. Blair were willing from the beginning of the inquiry to make a statement and that guards were placed at their offices more for the purpose of preventing invidious remarks than from any other cause. For further information respecting the demand for public funds, see documents numbered from 2 to 28 inclusive.

In a previous communication you were informed that Major Maclin had been appointed to take charge of the ordnance department and to act as adjutant and inspector general until further action by your body or the Convention. He has resigned his position in the U. S. army and has entered upon the duties assigned him. You were also informed that Capt. Reynolds had been appointed to control the quartermaster's department, etc. He has tendered his resignation and is awaiting the action of the authorities at Washington. Mesrs. Maverick and Luckett are at present, assisted by competent agents, performing the duties connected with the quartermaster's department.

The two companies of U. S. troops formerly stationed in this city passed through on their march to the coast this morning.

The expenses connected with the action of the commissioners have been paid or to some extent assumed by them, while the outlay caused by the transportation of the U. S. troops to the coast will be paid by their officers. The expenses incident to the protection and management of the property now belonging to Texas must be paid by her. An estimate of the liabilities which have accrued will be presented for your consideration. All needless expenses have been cut off, both as regards the rent of buildings and the employment of men. A still greater reduction will be made in a few days.

All of which is respectfully submitted.

Thos. J. Devine,
P. N. Luckett,
S. A. Maverick,
Com'rs on behalf of Com. of Public Safety.

Austin, March 6th, 1861.

To Hon. Jno. C. Robertson
Chairman of Com. of Safety.

As a supplement to the preceding report, the undersigned would state that, having received information three days before the arrival of the force under Col. McCulloch at San Antonio, that four wagons with arms and fixed ammunition had been dispatched, two via Indianola for Fort Brown and two for Fort Mason, a force was immediately sent in pursuit. The teams on the Indianola road were overtaken about forty miles, and those destined for Fort Mason about sixty miles from San Antonio. The wagons were brought back to that city and their contents deposited in the ordnance department.

Having received information on the evening of the 2nd inst. that depredations were being committed on public property at Camp Verde by some of the soldiers of company A, 1st Infantry, U. S. A., a note was immediately forwarded to Col. Waite informing him of the fact and that such depredation was considered a violation of the stipulations entered into between Gen. Twiggs and the undersigned and that the officers and men belonging to any company committing any depredations in the future would be held personally liable, and requested Col. Waite to remove the troops from that post without delay. Capt. Frank Hubert's company of Washington county volunteers, numbering twenty-five men under the command of Lieut. Haynes, then in San Antonio, were directed to march next morning at daylight for Camp Verde and there remain for the protection of the public property and buildings until further orders.

The public funds alluded to in the preceding report as being *en route* from the coast to San Antonio were seized by a portion of Capt. Edgar's company of Alamo Guards, acting under the orders of the commissioners, on the morning of the 4th inst., and are now in the Alamo buildings under guard, subject to the action of the Convention. See report of commissioners, marked exhibit W.

In conclusion it may be proper to add that in view of the uncertainties connected with the attempt to force the general commanding the Federal troops in Texas into a surrender of the positions held by the troops under his command, and a delivery up of the public property under his control in Texas without bloodshed, the consequences resulting from which no man could forsee, the city authorities deemed it proper and necessary to close all places of public resort in the city of San Antonio upon the arrival of the troops under the command of Col. McCulloch, and during the time the troops raised in the city as well as those from other counties remained under arms.

In connection with this subject it may be added that a more orderly body of men under similar circumstances never appeared under arms, their conduct throughout was of a character well calculated to reflect the greatest credit upon themselves and the cause to uphold which they had left their homes and appeared in arms.

All of which is respectfully submitted.

Thomas J. Devine
On behalf of the commissioners.

It will thus be seen that all the U. S. troops stationed on the Indian frontier, and the frontier bordering on Mexico along the Rio Grande, have been removed and are on the line of march to the Gulf coast. The moral of their presence to prevent Indian depredations having been destroyed it is thought that the frontier is in most imminent danger and they have evidence of very recent murders in that region.

The committee believe that the people along the whole line of the frontier are true and loyal to the cause of the South, and look with intense anxiety for the Convention to furnish them with immediate and prompt protection. Encouraged and aided by the enemies of Texas the Indians will, unless timely assistance be furnished, commit the most horrid depredations. With the view of rendering to the frontier this protection, and that it may be accomplished speedily and efficiently, as well also to show the government of the Confederate States, of which we hope soon to become a member, that we are not unmindful of what is due to our people, and as an indication to that government of what is expected for our defense, and particularly to save the lives of our women and children in that region, the committee instruct me to report an ordinance for the raising of volunteer forces, which they hope the Convention will find it expedient to adopt.

I have the honor to remain, very respectfully,

Jno. C. Robertson,
Chrm'n of the Com. on Public Safety.

Correspondence between the Commissioners to San Antonio, Gen. Twiggs and the Military Commission

San Antonio, Feby 8th, 1861

Dear Sir:

In reference to the interview which the undersigned had with you this morning in the presence of Major Nichols in regard to the public property, and your disposition to keep the same in its present position until March the 2nd proximo, the undersigned beg you will be so kind as to give them in writing such statements as you may deem material and proper on that subject.

With high consideration, your obd't servt's,

Thos. J. Devine,
Sam. A. Maverick,
P. N. Luckett,
Comr's on behalf of the Convention of the People of Texas

To Brevet Maj. Gen. D. E. Twiggs
Commanding Dep't of Texas

Head Quar's, Dep't of Texas,
San Antonio, Feby 9, 1861.

To Mesrs. Thos. J. Devine, Sam A. Maverick, and P. N. Luckett.
Comr's on behalf of the Convention of the people of Texas, San Antonio, Texas.

Gentlemen:

I am directed by the commanding general of the Department to acknowledge the receipt of your communication of the 8th inst., and to inform you in reply that he has this day appointed a military commission to meet the commissioners on behalf of the Convention of the people of Texas to transact the necessary business respecting the disposition of the Federal property.

I am, gentlemen, very respectfully, your obd't serv't,

U. A. Nichols,
Ass't Adj't Gen.

Head Quar's Dep't of Texas,
San Antonio, Feby 9th, 1861.

Special Orders, }
No. 20. }

A military commission to consist of Major David H. Vinton, quartermaster, Major Sackfield Maclin, paymaster, and Captain Robt. H. K. Whiteley, ordnance department, is hereby appointed to meet the commissioners on behalf of the Convention of the people of Texas, Mesrs. Thos. J. Devine, Sam'l A. Maverick and P. N. Luckett, at such times and places as may be agreed upon, to transact such business as relates to the disposition of the public property, upon the demands of the State of Texas.

By order of B't Maj. Gen. Twiggs,

U. A. Nichols,
Ass't Adj't Gen.

San Antonio, Feby 9th, 1861.

Gentlemen:

We have the honor to acknowledge the receipt of your communication of this date, in which you appoint 12 o'clock to-day or at any hour this afternoon for meeting you to consider the business connected with our several commissions. We regret that we have not been able to conform to your appointment. The want of instructions from Maj. Gen'l Twiggs, delayed by untoward circumstances, will prevent our meeting with you to-day, but we will, if it suits your convenience, have the honor to receive you at Gen'l Twiggs' office, on

Monday at 9 o'clock, A. M., to enter upon the business you may then lay before us.

We are, gentlemen, most respectfully, your obd't servants,

D. H. Vinton, Major and Quartermaster,
Sackfield Maclin, Paymaster, U. S. A.
R. H. K. Whiteley, Capt. of Ordnance.

To Mesrs, T. J. Devine, S. A. Maverick, P. N. Luckett,
Comr's on behalf of the people of the State of Texas, San Antonio, Texas.

San Antonio, Feby 11th, 1861.

To Major D. H. Vinton, Major Sackfield Maclin, Captain R. H. K. Whiteley, Military Commission.

Gentlemen:

The undersigned, by virtue of the powers vested in them, do now demand of you, in the name and by the authority of the sovereign people of the State of Texas, in convention assembled, as they have heretofore demanded of Brevet Major General David E. Twiggs, commanding in the Department of Texas, a delivery of all the arms of every description, military stores, including quartermaster's, commissary and medical stores and public moneys and everything else under the control of the general in command, belonging to the Federal government.

If an affirmative answer is not given to this demand, the following questions are submitted for your consideration, and answers to the same are respectfully required.

Do you consent and agree to the following stipulations:

1st. That everything under the control of the commanding general in the Department of Texas shall remain in *statu quo* until the 2nd day of March next?

2nd. That no movement, change of position or concentration of the troops shall take place?

3rd. That none of the arms, ordnance, military stores or other property shall be disposed of before that time, (ordinary consumption excepted)?

4th. That upon the 2nd day of March the public property in Texas shall, without delay, be delivered up to the undersigned or such other commissioners, who may be authorized to act on behalf of the Convention?

An answer is respectfully required.

We remain, gentlemen, very respectfully, your obd't servants,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Commissioners on behalf of the Convention.

San Antonio, Feby 12, 1861.

To Mesrs. T. J. Devine, S. A. Maverick, P. N. Luckett
Com'rs on behalf of the Convention of the people of Texas.
Gentlemen:

We, the military commission, appointed by Maj. Gen'l. Twiggs, have had the honor to receive your communication of the 11th inst., while in convention, demanding of us "in the name and by the authority of the sovereign people of Texas, in convention assembled," a delivery of "all arms of every description, military stores, including quartermaster's, commissary and medical stores, and public moneys and everything else under the control of the general in command, belonging to the government," adding that, "if an affirmative answer is not given to this demand" you submit the following questions for our consideration and reply, viz:

"Do you consent and agree to the following stipulations:

1st. "That everything under the control of the general commanding in the Department of Texas shall remain in *statu quo* until the 2nd day of March next?

2nd. "That no movement, change of position, or concentration of troops shall take place?

3rd. "That none of the arms, ordnance, military stores or other property shall be disposed of before that time, ordinary consumption excepted?

4th. "That upon the 2nd day of March, the public property in Texas shall without delay be delivered up to the undersigned or such other commissioners who may be authorized to act on behalf of the Convention?"

To the 1st of the foregoing interrogatories we have the honor to state that we are willing that everything shall remain in *statu quo* until the 2nd day of March next; provided, that the general commanding the Department shall not receive orders from higher authority than himself to remove the troops from Texas, or find it necessary to resist the inroads of marauding parties of Indians, the enemies of Texas and our common country, or attacks upon the troops or military posts in Texas by irresponsible parties coming from any quarter whatever.

With regard to your second proposition, it is hereby agreed that no movement or change of position of the troops shall take place, unless the commanding general should find it necessary to act under the contingencies mentioned in the next preceding answer.

To the 3rd question we reply that it is not the intention of the commanding general to dispose of or to place out of the reach of the authorities of Texas any of the property otherwise than to meet with it the common wants of the military service; so do we agree to your proposition.

And to your last inquiry, we have to remark that a compliance with the demands of Texas, whether made through you or any other commissioners appointed for the purpose, will be yielded under the following conditions, viz: That the moneys in the hands of the disbursing officers being out of the control of the commanding general and considered as peculiarly a matter of individual accountability to the treasury of the United States by those officers, involving the responsibility of their bondsmen, and being necessary for the payment of the troops and debts already contracted in Texas, they will not be relinquished on the demand of Texas. That the troops now in the Department of Texas shall retain their legitimate arms in possession, and march out of Texas with them; the requisite ammunition, clothing, and camp and garrison equipage, quartermaster's stores, subsistence, medical and hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggression from any source. That the officers of the general staff at Department headquarters, their families and movable property shall be transported in their egress from Texas by the public means now at this depot, which means shall be retained for that purpose, and when such service shall have been performed the said means shall be surrendered to the regularly authorized persons to receive them. That all property delivered up to the authorities of Texas, under the foregoing stipulations, shall be receipted for by agents appointed by said authorities.

We are, gentlemen, very respectfully, your obd't servants,

D. H. Vinton, Major and Quartermaster,
Sackfield Maclin, Paymaster, U. S. A.,
R. H. K. Whiteley, Captain of Ordnance.

San Antonio, Feby 14, 1861.

Major D. H. Vinton, Major S. Maclin, Captain R. H. K. Whiteley,
Military commission acting on behalf of Maj. Gen. D. E. Twiggs.
Gentlemen:

The undersigned commissioners, on behalf of the Convention of the people of the State of Texas, acting through the committee of Public Safety, have had the honor to receive your communication of the 13th inst., while in conference, and have the honor to reply to the answers contained in your note as follows:

We are unable to accept as satisfactory your answer to that question in our note of the 11th inst., relating to the movement or position of the troops in Texas, as your reply, by a reasonable construction of its language, if not in express terms, asserts the right and intention of the general in command of the Department of Texas to make any movement of the troops that may be ordered by an authority higher than himself. The question is consequently left unanswered as far as it relates to the object which the undersigned had in view in presenting this question for consideration, which object was fully set forth in the conference of the 11th inst. If the question be considered as answered by your reply to it, then the undersigned are constrained to consider it as a substantial denial of their demand on that subject.

The non-acceptance of the terms contained in your second answer rests upon the same reasons as those set forth in reply to your first answer. The 3rd answer is as the undersigned had reason to believe it would be, and is accepted.

The terms embraced in your reply to our last inquiry are accepted with the following conditions: 1st, that all moneys in Texas for the payment of the troops, or the liquidation of debts of every description incurred on behalf of the Federal government, shall be considered applicable to those purposes, and be turned over to the commissioners for their disposal accordingly, and guarantees will be given by the undersigned for the prompt payment of the same, and all funds in Texas held for the Federal government, not included in the above exception, shall be given up and receipted for by the undersigned. That portion of the last answer is accepted which claims the retention by the troops in Texas of their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence from any source; provided the troops shall march to the coast in detachments of not more than 200, each detachment to be at least three days march apart and upon arriving at the point or points of embarkation the teams or means of transportation with the artillery, (if any be taken by the troops,) shall be delivered up to the agent appointed to receive and receipt for the same. The remaining portion of the last answer relating to the means of transportation for the officers, their families, servants and property is accepted according to its terms.

We are, gentlemen, very respectfully, your obd't servants,

Thos. J. Devine,
P. N. Luckett,
S. A. Maverick,
Com'rs on behalf of Com. of Pub. Safety.

San Antonio, Feby 15, 1861.

To Mesrs. Thomas J. Devine, Sam A. Maverick, P. N. Luckett.
Commissioners on the part of the Convention of the people of Texas.

Gentlemen:

In acknowledgement of your communication of the 14th inst., wherein you disagree to certain points in our letter of the 12th inst., the undersigned have the honor to say that the conditions you prescribe for the movement of the Federal troops from Texas will necessarily check for a short time, at least, further conference with you on that subject, in as much as it is one over which we have no control.

The commander of the Department, whoever he may be, whether acting under his own judgment, or by the advice and instructions of his superiors, has exclusive authority in such cases, and to him must we refer the present one, with a report of all our proceedings for his approval or disapproval, and in view of an immediate change of commanders of the Department of Texas, Gen. Twiggs having been superseded by Col. Waite, all the proceedings of the military commission appointed by the former officers must be submitted for the consideration and sanction of the latter, whose duty it will be to execute whatever measures that may be recommended and adopted under the action of that committee.

The undersigned would respectfully remark that they can not but regret that the reasons given in objection to the relinquishment of the funds in the hands of the Federal disbursing officers have not met with acquiescence on the part of your commission; they can only hope that upon re-consideration, your views may undergo a change. Under any circumstances, we trust that the commissioners appointed by the Texas committee of Safety will exert their influence to avert violence, either on the part of any irregular forces or organized military parties of whatever size. Believing that everything may be done in a manner honorable to the present contending parties and for the quiet and safety of the community in which we reside, we have full faith that your commission will so act as to bring about results which may prevent a collision between the troops of Texas and those of the Federal government.

We are, gentlemen, very respectfully, your obd't servts,

D. H. Vinton, Major and Quartermaster,
Sackfield Maclin, Paymaster, U. S. A.,
R. H. K. Whiteley, Captain of Ordnance.

San Antonio, Texas, Feby 16, 1861,
6 o'clock A. M.

To the Officer in Command of the Department of Texas:
Sir:

You are hereby required, in the name and by the authority of the people of the State of Texas, in Convention assembled, to deliver up all military posts and public property held by or under your control.

Respectfully, etc., etc.,
Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Pub. Safety.

San Antonio, Feby 17th, 1861.

Brev't Maj. Gen. D. E. Twiggs,
Commanding department of Texas.
Sir:

In our communication of the 16th inst., we required a delivery up by you of the position held, and public property held by or under your control, as commander in this Department. As no reply, save your verbal declaration, (which declaration was that you "gave up everything,") has been given to our note, and as the undersigned are most anxious to avoid even the possibility of a collision between the Federal troops and the force acting on behalf of the State of Texas, a collision which all reflecting persons desire to avoid and the consequences of which no man can predict, we again demand the surrender up to the undersigned of all the posts and public property held by you or under your control in this Department. Please answer immediately.

We have the honor to remain, your obd't servants,
Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs. on behalf of the committee of Public Safety.

Head Quarters, Dep't of Texas,
San Antonio, Feby 17, 1861.

Mesrs. Thos. J. Devine, S. A. Maverick, P. N. Luckett,
Com'rs on behalf of the Com. of Pub. Safety.
Gentlemen:

In reply to your communication of this date, I have to say that you are already aware of my views in regard to the delivery of the public property of this Department, and I now repeat that I will direct the positions held by the Federal troops to be turned over to the authorized agents of the State of Texas; provided the troops retain their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggressions from any source.

D. E. Twiggs,
Brv't Maj. Gen'l U. S. A., Comd'g the Dep't.

San Antonio, Feby 17, 1861.

To Brv't Maj. Gen. D. E. Twiggs,
Comd'g the Department of Texas.
Sir:

In reply to your communication of this date, we have to say that we accept the terms therein set forth, with the conditions stated in our note of the 14th inst., viz: that the troops shall leave Texas by way of the coast, and upon arriving at the point or points of embarkation will deliver up to the authorized agents appointed for that purpose all means of transportation of every kind used by them, as likewise the artillery if any be taken.

Respectfully, etc., etc.,
Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the committee of Public Safety.

Headquarters, Dep't of Texas,
San Antonio, Feby 18, 1861.

To Mesrs. Thos. J. Devine, S. A. Maverick, P. N. Luckett,
Com'rs on behalf of the Convention of the people of Texas.
Gentlemen:

Your communication of the 17th inst., which you say is a reply to mine, written yesterday, the 17th inst., was received last night. I consent to the conditions that the troops shall leave Texas by way of the coast, with the provision expressed in my communication of yesterday.

As to the condition of surrendering the guns of the light batteries, that, you must see, would be an act which would cast a lasting disgrace upon the arms of the United States, and, under no circumstances, can I believe that the State of Texas would demand such a sacrifice at my hands, and more particularly so after I have yielded so much to meet what I deem to be due to the State, and to avoid any unnecessary collision between the Federal and State troops. In this view of the case, I am sure you will not insist on a demand which, you must see, I am not at liberty to grant.

I am, gentlemen, very respectfully, your obd't servant,

D. E. Twiggs,
Brev't Maj. Gen. U. S. A., Comd'g the Dep't.

San Antonio, Feby 18, 1861.

To Brv't Maj. Gen. D. E. Twiggs, U. S. A.,
Commanding Department of Texas:

Sir:

In reply to your communication of this date, we have to say that we accept the terms therein stated, viz: that the two batteries of light artillery, with the arms for the infantry and calvary, shall be *retained* by the troops under your commond, all other property as set forth in our previous communication to be delivered up to agents authorized to receive it.

We remain, respectfully, your obd't servants,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Public Safety.

Headquarters, Dep't of Texas,
San Antonio, Feby 18, 1861

General Orders, }
No. 5. }

The State of Texas having demanded through its commissioners the delivery of the military posts and public property within the limits of this command, and the commanding general desiring to avoid even the possibility of a collision between the Federal and State troops, the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, the line of march out of Texas by way of the coast, marching out with their arms, (the light batteries with their guns,) clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops, prepared for attack or defence against aggression from any source.

The troops will carry with them provisions as far as the coast.

By order of Brv't Major Gen. Twiggs,
U. A. Nichols,
Ass't Adj't Gen'l.

San Antonio, Feby 18, 1861.

The undersigned, commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them have formally and solemnly agreed with Brevet Maj. Gen. David E. Twiggs, U. S. A., commanding the Department of Texas, that the troops of the United States shall leave the soil of the State by the way of the coast, that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the commission that there shall be no infraction of this agreement on the part of the people of the State. It is their wish, on the contrary, that every facility shall be aforded the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at the various posts, other than that above recited for the use of the troops, will be turned over to agents, to be appointed by the commission, who will give due and proper receipts for the whole to the officers of the army, whom they relieve from the custody of the public property.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Public Safety.

San Antonio, Bexar Co.,
Feby 8th, 1861.

Col. Ben. McCulloch:

Sir:

The undersigned, by virtue of the powers vested in them by the committee of Public Safety, do hereby authorize and direct you in the name and by the authority of the State of Texas to call out and collect such numbers of the volunteer force or "minute men" as you may deem necessary for securing and protecting the public property at San Antonio. Upon the assembling of the force, you will proceed without delay to San Antonio, and report to the undersigned when you arrive in the vicinity of the city.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs of Com. of Public Safety.

Correspondence with Col. Waite, and Lists of Volunteers sent to various Posts.

San Antonio, Feby 22, 1861.

Col. C. A. Waite:

Sir.

Your communication of the 20th inst., making a requisition on us for 100 wagons and 600 mules, has been duly considered, and the necessary orders will be issued to carry out the requisition.

Very respectfully, your obd't servants,

P. N. Luckett,
Thos. J. Devine,
S. A. Maverick,
Commissioners.

San Antonio, Feby 25, 1861.

Col. C. A. Waite:

Sir:

We have just learned that on Saturday Capt. Jno. H. King, of the infantry, enlisted a man in his company. If such is the case, we demand that he be immediately discharged, and that no further enlistments take place.

Respectfully, your ob'dt servants,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Public Safety.

Headquarters, Dep't of Texas,
San Antonio, Feby 26, 1861.

To Mesrs. Thos. J. Devine, S. A. Maverick and P. N. Luckett,
Commissioners, etc.

Gentlemen:

In answer to your letter of the 25th inst., I have to say that I have directed Captain King to discharge immediately the man he enlisted. I shall take measures to prevent the enlistment, in future, of any citizen of Texas.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
B't Col. U. S. A., Comd'g the Dep't.

Headquarters, Dep't of Texas,
San Antonio, Feby 21, 1861

Gentlemen:

I have been informed by Capt. Reynolds, ass't quartermaster, that the funds placed in his hands, pertaining to the quartermaster's department, and for which he is personally accountable to the Treasury, have been seized by an armed body of Texans, and are no longer in his possession.

The commissioners on the part of the State of Texas "formally and solemnly agreed with B't Maj. Gen. David E. Twiggs, U. S. A., commanding the Department of Texas," that "the necessary *means* for regular and comfortable movement, provisions, tents, etc., etc., and transportation, shall be allowed the troops, and that the public *property* at the various posts, other than that above recited," shall be turned over to agents, etc. The words "public property" do not include *money*—and certainly not money in the hands of disbursing officers, who are personally accountable for it to the treasury of the United States. Their bondsmen, their private property and their commissions are pledged to their government for the faithful disbursement of the funds entrusted to them.

Believing that a proper construction of the agreement referred to will not authorize the retention of the funds lately in the possession of Capt. Reynolds, and seized *prior* to the agreement between the commissioners and Gen'l Twiggs, I have to require that they may be returned to him immediately.

I am, gentlemen, very respectfully, your obd't servant,

C. A. Waite,
Col. U. S. A., Comd'g Dep't.

To Mesrs. Thos. J. Devine, P. N. Luckett, S. A. Maverick,
Commissioners on behalf of the committee of Public Safety.

Head Quarters, Dep't of Texas,
San Antonio, March 5, 1861.
Official copy.
U. A. Nichols, Ass't Adj't Gen'l

San Antonio, Feby 22nd, 1861.

To Col. C. A. Waite, U. S. A.,
Comd'g Dep't of Texas.

Sir:

We are in receipt of your communication of the 21st inst., in which you state that the "funds placed in the hands of Capt. Reynolds, ass't quartermaster, and pertaining to his department, have been seized by an armed body of Texans, and are no longer in his possession." You likewise state that "the commissioners formally and solemnly agreed with Brev't Major Gen. D. E. Twiggs, Comd'g the Dep't of Texas, that the necessary means for regular and comfortable movement, provision, tents, etc., and transportation shall be allowed the troops, and that the public property at the various posts, other than that above recited, shall be turned over to agents, etc." You further state that the words "public property do not include money, and certainly not money in the hands of a disbursing officer, etc." You further state "that the proper construction of the agreement referred to will not authorize the retention of the funds lately in the possession of Capt. Reynolds, and seized prior to the agreement between the commissioners and Gen. Twiggs, and you (I) have to require that they may be returned to him immediately." In reply to that portion of your communication referring to our agreement with Gen. Twiggs for the comfortable movement of the troops, etc., we have to remark that our actions with reference to the movement of the troops will attest our willingness to perform our part of the agreement, and we are now, as we have been heretofore, ready and willing to carry it out, according to the letter and the spirit of the agreement. With reference to that portion of your communication relating to the words "public property not including money, etc.," we have to say that if the word money was not used in our last communication to Gen. Twiggs, it was simply owing to the fact that our communication of a previous date, as well as our original demand on Gen. Twiggs, contained that word and its equivalents; that communication in which we agreed to the terms of the note of the 18th inst., in which Genl. Twiggs claimed the retention of two batteries of light artillery, refers to our previous communications, in which we claimed all public property, and the reason is apparent, we claim no interest in or desire to meddle with private property, but we do now, as we have heretofore done, claim as public property all money belonging to or held for the benefit of the Federal government; again, if it were necessary to show that nothing was withdrawn by the undersigned from their original and repeated demands, or understood to have been withdrawn on our part by Gen. Twiggs, it will be found in the demands made by that officer and several others for transportation, etc., and freely furnished by the undersigned although no reference is made in express terms to this obligation in any of the notes between Gen. Twiggs and the undersigned, and the reference is only found in our communication of the 14th inst. to the military commission. We might still further add that the military commission, as well as Gen. Twiggs, repeatedly disclaimed any right on the part of the officer in command to control disbursing officers in their disposition of the public funds. If then Gen. Twiggs has acted upon portions of our answer of the 14th inst., although such portions were not set out in our reply of the 18th, it shows that he understood the referring to that communication was a substantial embodiment of its terms in the communication in which we referred to it. A consideration of these facts will show the necessity for a complete understanding of all matters connected with or operating in any manner upon the question of our right to obtain possession of or control the funds of the Federal government in Texas, such funds being subject however to the payment of legitimate claims due either to soldiers or citizens. For this purpose the undersigned submit the following questions to be answered by the various disbursing officers, or heads of departments and certified to respectively by them on honor.

Question 1st. Please state what amount of funds in specie, coin, drafts or otherwise were in your custody, or under your control for purposes connected with your department, or the performance of your official duties, on the 8th day of Feby. 1861.

Question 2nd. Please state what portion of that amount has been disbursed or changed from its original condition between that day and the time of answering this question, and how or where was this disbursement or change made.

Question 3rd. Please state what amount of indebtedness exists against your department at the time of answering this question, and the persons claiming the same, as nearly as it is in your power to do [so].

Question 4th. Please state what amount in specie or coin has come into your possession since the 8th of Feby, 1861, and what amount has been placed to your credit, or at your disposal for purposes connected with your department, in other cities of the Union since the 8th Feby 1861.

Question 5th. Please state the amount of funds connected with your department, on hand, in specie, coin, drafts, or other evidences of money or credit, and please state the amounts of the respective credits in this city and with whom, as likewise in other cities of the Union. It is hoped that the preceding five questions will be submitted to the various disbursing officers residing in this city, and an answer is required within the next 18 hours.

The commissioners do not desire, on the contrary it is their determination that nothing shall be done by or through their agency that is likely to cause unpleasant consequences. Our instructions and sense of duty, however, alike demand that all measures proper and necessary for the securing the public funds for the benefit of the State of Texas shall be attempted, and if possible carried to a successful termination.

We remain very respectfully, your obd't serv'ts,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of Com. of Public Safety.

Head Quar's, Dep't of Texas,
San Antonio, Feby 25th, 1861.

To Mesrs. Thos. J. Devine, P. N. Luckett, S. A. Maverick,
Commissioners, etc., etc., San Antonio.

Gentlemen,

I have already acknowledged the receipt of your letter of the 22nd inst. and the pressure of my public duties must be my apology for not answering it at an earlier date.

In regard to the five questions proposed in your communication, and your request that "the various disbursing officers, or heads of department," be required to furnish you with answers "certified to" by them "on honor" I have to state that I have no power to compel a compliance with your wishes. An order of that kind would be illegal, and they would not be bound to obey it. As regards myself, if I were to issue an order that would endanger the public funds, or cause a disposition of them not sanctioned by law, I should place my commission in jeopardy and render myself liable for the amounts involved. In relation to the payment of the claims against the United States, I would remark that the disbursing officers by whom the debts were contracted are the proper persons to pay them, as they alone can know the amounts actually due.

I will here repeat what I have more fully stated in a former communication, that I cannot recognize the right of Texas to claim any portion of the funds in the hands of the disbursing officers. In this view of the case I am confirmed by the most positive assurances of

Gen. Twiggs, that he has not at any time or in any way consented to the transfer of the public funds to the State of Texas.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
Col. U. S. A., Comd'g the Dep't.

Head Quar's, Dep't of Texas,
San Antonio, March 2nd, 1861.

To Mesrs. T. J. Devine, P. N. Luckett, S. A. Maverick,
Com'rs on behalf of the Com. of Public Safety, San Antonio.

Gentlemen:

I here repeat in writing the substance of the remarks made verbally to you yesterday, with respect to the funds on hand, the existing debts of the U. S. quartermaster's dep't, and those which may accrue during the stay of the U. S. troops within the limits of the State of Texas.

That I will exert to the full extent my authority to cause to be paid to the citizens of Texas all just demands they may hold against the United States pertaining to the quartermaster's department, or that may hereafter be contracted by said department, so far as the funds on hand will permit, and further that, it having been ascertained that the available funds on hand are not sufficient to liquidate the present outstanding demands, I will cause an estimate to be made for such further sums as may be deemed sufficient—it being understood and agreed to by said commissioners that such sums as may be necessary for the hire of teamsters, lighters, the purchase and delivery of forage, fuel and other supplies, and to meet all the expenditures necessary for a "regular and comfortable movement" of the troops on their march from their present stations to the coast, and to enable them to embark, shall be retained and held subject to such expenditures.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
Col. U. S. A., Comd'g Dep't of Texas.

Approved by the undersigned commissioners on behalf of the committee of Public Safety.

Thos. J. Devine,
S. A. Maverick.

San Antonio Texas, March 2/61.

We the commissioners on behalf of the committee of Public Safety will place at the disposal of the commanding officer of the troops in

Texas such means of transportation as are at our command, to be used by said troops in transporting their baggage, provisions, forage and other supplies to such points on the coast as have been selected for embarkation.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Pub. Safety.

Circular

Head Quar's, Dep't of Texas,
San Antonio, Feby 25th, 1861.

Sir:

As some of the companies in the Department have already evacuated their posts, deeming the requirements of General Order No. 5 immediate, the Department commander calls the attention of post commanders to the condition as therein expressed, viz: "As soon as the necessary preparations can be made;" the "necessary preparations" will be made at these Head Quarters, and no troops will be put in motion until orders for such purpose shall be issued from the Department.

Should, however, any of the companies within this command have left their stations and be found, on receipt of these instructions, on the march for the coast, they will not consider the above requirements as operative upon them but will continue their line of march.

I am sir, respectfully, your obd't serv't,

U. A. Nichols,
Ass't Adj't Gen'l.

Copy of circular addressed to post commanders. For the State commissioners, etc., San Antonio Texas.

Office of Commissioners,
San Antonio, March 2nd, 1861.

To Col. C. A. Waite, U. S. A.
Comd'g Dep't of Texas,

Sir:

We are credibly informed that after the departure of Capt. Maclin's company from Camp Verde, the soldiers of Company A, 1st Infantry, burned up a chest of saddler's tools belonging to the Federal government, left by Capt. Brackett to be placed in the quartermaster's store. Five days after, on the night of the return of that company to Camp Verde, the men broke into the hospital and after consuming the liquor destroyed all they could not conveniently appropriate to their own use; the night after, they broke into the carpenter's shop and destroyed everything that was not appropriated by them to their own use.

We desire to call your attention to this transaction, as it is not in the spirit or according to the letter of the agreement between Gen. Twiggs and the undersigned. We have to request that this company be removed as soon as possible from Camp Verde. The officers and men of Company A will be held liable for any destruction of property or other outrage which they may fail to prevent or be guilty of.

We remain respectfully, etc., etc.,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Public Safety.

Head Quarters, San Antonio,
Texas, March 2nd, 1861.

To the Commissioners

Sirs:

I have the honor to report that

1. Lieut. S. W. McCallister, of Capt. Jordan's company, with one sergeant, one corporal and eighteen privates are *en route* for Fort Davis.

2. Sergeant C. Denman, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Camp Stockton.

3. Lieut. J. C. Moody, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Fort Lancaster.

4. Sergeant T. L. Wilson, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Camp Hudson.

5. Lieut. B. E. Benton, of Seguin, has orders to repair immediately to Fort Mason with 20 mounted men.

6. Lieut. Jas. Paul, of Castroville, has orders to repair immediately to Camp Verde with 25 mounted men.

7. Lieut. W. Adams, of Uvalde, has orders to repair immediately to Fort Inge and Camp Wood; 10 mounted men at the former, and 25 mounted men at the latter place, in all 35 men.

8. Capt. T. T. Teel and Lieut. Bennett are awaiting orders with fifteen privates each to garrison Fort Duncan and Fort Clarke.

9. Lieut. Benton, Lieut. Paul, and Lieut. Adams furnish their respective detachments with arms and ammunition; also, horses.

10. If it be deemed advisable to muster the detachments of Lieuts. Benton, Paul and Adams, I can repair to their stations and do it.

Col. McCulloch did not deem it necessary that they should report at these headquarters for that purpose.

I am, sirs, respectfully, etc.

W. T. Mechling,
Capt. and Ass't Adj't Gen.

To. Hon. T. J. Devine, S. A. Maverick, P. N. Luckett, Commissioners.

Head Quarters, San Antonio,
Texas, March 1st, 1861.

To the Commissioners:

Sirs:

I have the honor to report that I mustered and inspected the several detachments of State troops who are to occupy Forts Davis and Lancaster, Camps Stockton and Hudson, and report them encamped about eight miles west of this city, ready to march at a moment's notice.

Enclosed is a copy of the order assigning them to their posts and order of march.

I am, sirs, respectfully, your obedient servant,

W. T. Mechling,
Capt. and Ass't Adj't Gen.

To. Hon, T. J. Devine, S. A. Maverick, P. N. Luckett, Commissioners.

Answers of Capt. Blair and Maj. Maclin.

Memorandum of Subsistence, Funds and Liabilities in the Office, and under the control of the Commissary of Subsistence:

Funds.

On deposit in New Orleans,	$2,943.00
On hand in coin,	4,633.47
Total,	$7,576.47

Liabilities.

For flour delivered and in course of delivery, at various posts,	$5,604.20
To fill requisitions for current expenditures at the various posts,	8,498.69
Total,	$14,102.89

The above embraces the whole of the public funds under my control. of all kinds and descriptions, and all evidences thereof.

W. B. Blair, Capt. C. S.

San Antonio, Feby 28, 1861.

San Antonio, Texas, Feby 28th, 1861

To the Commissioners:

Gentlemen:

In answer to your demand to be informed of the amount of public money received and expended by me since the 31st day of October, 1860, as well as the amount now on hand and on deposit to my credit, I remark:

That on the 20th of Jany, 1861, deposited to my credit in the Treasury, New Orleans,	$25,000.00
On the 22nd Feby, in the Treasury, New Orleans,	50,000.00
Deposited to my credit in the Treasury, New York, on the 1st of Feby, 1861,	5,000.00
Making total to my credit since the 31st day of October, 1860,	$80,000.00
Since the date of above deposits, I have expended in paying the public dues from the deposits in New Orleans,	$36,649.66
Expended from the deposit in New York,	3,877.50
Total expended from the above deposits,	$40,527.16

Leaving balance to be accounted for $39,472.84, which will be explained as follows, viz:

Draft drawn by me in favor of Lt. Thos. M. Jones, U. S. A., on deposit in New Orleans, and now *en route* to this place,	$30,000.00
Balance in Treasury New Orleans,	8,550.34
Balance in Treasury New York,	1,122.50
Total amount on hand, on deposit, and *en route* to this place,	$39,472.84

It is impossible for me to say with a positive certainty what amount it will require to pay the troops (for whom the estimate upon which the above funds were furnished) to the present date, but I am pretty certain that sixteen thousand dollars will be sufficient.

Please allow me to say that there may be some errors in this hasty report, but I feel well assured that the errors are slight.

I have the honor to be, gentlemen, respectfully, your obd't serv't,
Sackfield Maclin,
Late Paymaster, U. S. A.
To T. J. Devine, S. A. Maverick, P. N. Luckett, Commissioners.

REPORT NO. 2.

General Rogers's Mission.

Committee Room, March 7th, 1861.

To the Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety beg leave to report through you to the Convention that on the 14th day of February they were in session at the city of Galveston, and at that time they felt the great necessity of having more arms than were to be found in the State, and the Hon. Geo. Williamson, commissioner from Louisiana to Texas, being then in that city, they caused the chairman of the committee to address him a communication, which with the answer thereto is herewith submitted:

Galveston, Texas, Feby 14, 1861.

To Geo. Williamson,
Commissioner from Louisiana to the State of Texas:

Dear Sir:

The committee on Public Safety regret to have to make known to your State through yourself the unfortunate condition of Texas as to arms for her people. Should coercion be the policy of the incoming administration at Washington, we hope to bring into the field as many strong arms and brave hearts as our Southern sisters, but in this crisis we must ask them to lend us whatever spare arms they may have. The committee beg to know of you what assurances you can give to Texas in behalf of your gallant State on this subject. Especially, sir, would we ask of you your individual efforts in our behalf to secure for us the two pieces of ordnance, well known in the history of Texas as the "Twin Sisters." We are informed that they are now in the hands of the State of Louisiana, having been lately taken from the Federal government.

In conclusion, sir, allow me in behalf of the committee to extend to you the highest regards of each member for yourself personally, and their best wishes for your welfare and happiness and that of your people.

I have the honor to be very respectfully, your obd't serv't,

Jno. C. Robertson,
Chrm'n Com. of Public Safety.

Galveston, Feby 17th, 1861.

Hon. J. C. Robertson,
Chrm'n of the Com. of Public Safety.

Dear Sir:

In reply to your note of this date, I beg leave to state that owing to the timely and patriotic action of the governor in seizing the U. S. forts and arsenals in Louisiana the State is abundantly provided with arms. It is needless for me to assure you that the State I have the honor to represent as commissioner feels the liveliest interest in everything that pertains to the safety and protection of Texas. Relying upon this feeling and knowing personally the governor, I can assure you he will do all in his power to supply the want of arms you say now exists in Texas. Her gallant sons who are so eager to again recover her independence should have the means to accomplish their desire. I shall use every effort in my power to accomplish your wishes, both in regard to the arms and to the historic "Twin Sisters."

Permit me to suggest to your committee the propriety of sending a commissioner to the State of Louisiana to negotiate for a loan of arms and munitions of war, vested with full authority to receipt for the same in the name of the State of Texas. I shall heartily co-operate with him.

I beg leave to tender my thanks to yourself and the committee for the courtesies extended to me during my agreeable visit to your State.

With assurances of my kindest regard and respect, I have the honor to be, your obd't serv't,

Geo. Williamson,
Com'r of the State of Louisiana.

They further report that from the tenor of said letters in answer to the communication from the committee, they were encouraged to make the effort to obtain some of the arms with which the State of Louisiana was so abundantly supplied. They accordingly issued to James H. Rogers, one of this committee, a commission to proceed to accomplish that object, which commission, together with his instructions as to the disposition of said arms, are herewith submitted:

Commission.

Committee Room, Galveston,
Texas, Feby 20th, 1861.

To Gen. James H. Rogers.
Sir:

You are hereby commissioned as a special officer to proceed at once to the city of Baton Rouge, in the State of Louisiana, and there confer with the governor of said State, or other legally constituted authority, for the purpose of procuring therefrom as many arms as you can obtain for the use and benefit of the people of Texas, and in the event of your failing to obtain the same, or a sufficient number thereof from said State to answer the present urgent demand therefor in Texas, you shall, if in your judgment it be right and proper to do so, proceed at once to the State of Alabama on a like mission.

Jno. C. Robertson,
Chrm'n of Com. on Pub. Safety.

Attest,
R. T. Brownrigg,
Sec'y to the Committee.

Instructions.

Resolved, That the commissioner appointed to visit the State of Louisiana for the purpose of procuring arms for the use of the State be instructed to dispose of the same in the following manner, viz:

One-half of the arms to be obtained by him shall be shipped to J. M. and J. C. Murphy, Jefferson, Marion County, Texas, subject to the order of the Convention, and the other half to E. B. Nichols & Co., Galveston, Texas, subject to same order.

A few days after the departure of the said commissioner, he returned to this committee the following encouraging communication:

New Orleans, Feby 23, 1861.

Hon. Jno. C. Robertson,
Galveston, Texas.
My Dear Sir:

I arrived here safe yesterday morning, met that prince of gentlemen, Col. Williamson, and have conferred with him fully on the object of my mission. He had just returned from a visit to the governor at Baton Rouge, whither he went as our friend on the subject of arms.

He gave me the kindest assurances of the friendly feelings of the governor and of the people of Louisiana to our cause, and introduced me to Gen. Bragg, who assures me of the loan of 5,000 stands of arms and gives me letters to the governor, stating the ability of Louisiana to spare so many—2,000 percussion and 3,000 flint and steel. I have seen the arms; they are good and in prime order, and I shall receive them, believing it to be for the interest of Texas.

Col. Williamson says he has procured the legislature of this state to dress up and remount the "Twin Sisters," and has their assurance that they will then be presented to Texas by Louisiana.

Gen. Bragg says he has assurances from U. S. officers in Texas that, if they are properly treated, they will come into the Texas service, and strongly recommends mildness and courtesy towards them, that such a course will bring them to us and make them a breast work for our defence.

Allow me to recommend respectfully the views of Gen. Bragg on this subject as being those of wisdom and prudence, and to beg that they may be adopted.

I shall leave this evening for Baton Rouge, and will get back to Austin as soon as I can.

Once more—mildness and peace are the true policy for Texas. Give the officers and soldiers a chance, and all will be well. For God's sake and the interest of Texas avoid harshness and blood—the latter is ruin, the former prosperity and safety.

In much haste, very respectfully,

James H. Rogers.

The committee have the pleasure to announce to the Convention that said commissioner has returned from his mission, and submitted to the committee the following report and accompanying documents, all of which they respectfully submit to the Convention as a part of this report.

The committee further state that at the very earliest possible moment they will furnish further reports of their proceedings.

I have the honor to be, very respectfully,

Jno. C. Robertson,
Chrm'n of the Com. on Public Safety.

Report of Jas. H. Rogers and accompanying documents.

Austin, Texas, March 5th, 1861.

To Hon. J. C. Robertson,
Chrm'n of Com. on Public Safety.

Sir:

In obedience to instructions given me, and acting by authority of the Convention of the State of Texas, as commissioner to the State of Louisiana, charged with the duty of procuring arms of that State for the defence of Texas in case of invasion, I have the honor to report:

That on the 20th day of Feby, 1861, I left the city of Galveston, and on the 22nd reached the city of New Orleans, and entered immediately upon the discharge of said duty.

It affords me great pleasure to state to you, and through you to the Convention, that owing to the kindly aid of the late commissioner from the State of Louisiana to the State of Texas, Col. George Williamson, and also that of Maj. Gen. Bragg, and the warm feeling of friendship entertained by the governor of the State towards Texas, I had but little difficulty in the discharge of my mission.

On the 23rd day of Feby, I had the honor to address his excellency the governor of the State of Louisiana the communication hereto appended, marked No. 1, and received from him promptly an order for 5000 stands of arms, 4250 flint and steel and 750 percussion muskets.

Whilst this order was being filled, the news of the capture of the arms and munitions of war at San Antonio, and the subsequent agreement between our commissioners at that point and Brv't Maj. Gen. Twiggs for the withdrawal of the Federal troops from Texas, and the surrender of the arms at the various posts in Texas, was received by Gov. Moore, who immediately addressed me the appended note, marked No. 2, limiting the original order to 1000 stands of muskets, with assurance that should necessity require it this loan should be increased.

I would further report that on the 26th day of Feby I received, by order of the governor, the said arms. In obedience to your instructions, I immediately had shipped 500 stands to Mesrs. J. M. and J. C. Murphy, Jefferson, Marion Co., Texas, and 500 stands to Mesrs. E. B. Nichols & Co., Galveston, where they now are, subject to the order of the Convention. It was impossible to procure either cartridge boxes or ammunition, as the State of Louisiana was not sufficiently provided to extend the loan. Failing in this and deeming it necessary to ascertain where the State of Texas could most speedily supply herself, I instituted inquiry in the city of New Orleans, and am able to furnish the committee with satisfactory information upon that point, by appending statement marked A.

The muskets I receipted for in the name of the State of Texas, and have pledged the faith of the State for their return or payment at their appraised value. I have the pleasure to inform you that through the agency of Col. Williamson the legislature of the State of Louisiana has ordered the "Twin Sisters," the San Jacinto thunderers, to be remounted in fine style and presented by the State of Louisiana to the State of Texas, which I am assured will shortly be done. I feel confident that this delicate demonstration of regard for our State will be duly appreciated by yourself and the gallant people of Texas whose interests you represent.

Having been instructed to make application to the State of Alabama for a similar loan of arms, etc., whilst in New Orleans I telegraphed our delegates at Montgomery, enquiring as to the chance of success in that quarter, and received from the Hon. W. B. Ochiltree the following reply:

Montgomery, Feby 22, 1861.

Gen. J. H. Rogers,

Alabama having to support Florida can spare no arms to Texas for the present.

W. B. Ochiltree.

I therefore did not prosecute that branch of my mission further, deeming it unnecessary to do so. An invoice of ordnance and ordnance stores, receipted for by me, I herewith transmit to you, marked B, together with the other documents referred to for your inspection. I cannot close this report without expressing my heartfelt gratitude, as a citizen of Texas, to his excellency Gov. Thos. O. Moore, to Gen. Bragg and to Col. Geo. Williamson for their generous kindness to me whilst acting as your agent.

Trusting that I have satisfactorily discharged the duty imposed on me, I have the honor to remain, yours most respectfully

James H. Rogers,
Commissioner.

(Communication No. 1)

New Orleans, Feby 23, 1861.

To his Excellency the Governor
Of the Sovereign State of Louisiana.

Sir:

I have been honored by the State of Texas with the performance of a duty alike responsible and delicate. Your excellency has been notified that on the 1st day of Feby, A. D. 1861, the ordinance ratifying and acceding to the articles of annexation, passed on the 4th of July, 1845, were formally annulled by a Convention of the people of Texas, assembled at our capital city, Austin. The ordinance of secession was submitted for ratification or rejection to the people of the State to be determined at the ballot box on this the 23rd day of this month.

Such has been the confidence of the delegates in the action of the people that, although the Convention has taken a recess until the 2nd day of March next, active measures have been in the mean time taken to provide against the threatened attempt at coercion. Entertaining a lingering hope that a returning sense of justice would induce the dominant party of the old Union to pursue such course as would justify a continance of that Union, our people have permitted the day of results to dawn upon them unprepared to a great extent for the collision that now seems inevitable. The determination of the people of Texas is fixed! Whatever may be the consequences, Texas has thrown her influence, and will throw her sword into the scales with her Southern sisters. The relations both social and commercial which have grown up and so closely entwine each make the interests and future destiny of Texas and Louisiana the same. The idea of a separate republic has never been seriously entertained by the people of Texas.

The enemies of secession have attempted to embarrass immediate action by intimating such a course. I beg to assure you, as the recent action of our Convention in sending delegates to the Montgomery convention indicates, that Texas will link her destinies with the fortunes of her sister cotton and sugar growing States, and the banner which waves over their patriotic sons, in peace or war, will float over the undaunted sons of the "Lone Star State." The mansion and cottage hearth-stone shall be made desolate, and the west bank of Red River become a frontier, before a hostile Federal troop will from her direction ever place foot upon the soil of Louisiana.

Circumstances require that Texas should appeal to Louisiana for arms in this emergency, and I have the honor to be commissioned for this purpose. I am prepared to guarantee to your excellency their proper use, and unless lost in glorious battle for freedom and equal rights their safe return.

I have the honor to be, sir, very respectfully, your obd't serv't,

James H. Rogers.

(Communication No. 2)

Executive Office, Baton Rouge,
La., Feby 25th, 1861.

To Gen. Jas. H. Rogers,
Agent for the State of Texas.

Sir:

In consequence of the news this day received of the withdrawal of Gen. Twiggs and his command from Texas, and of the State thus getting a large quantity of military munitions, I presume there no longer exists the want of arms which you were sent here to procure. But as the arms, etc., surrendered by the retiring corps of the United States troops are in western Texas, leaving eastern Texas comparatively destitute, I have ordered 1000 stands of muskets to be issued for the purpose of being sent to Jefferson for distribution in that portion of the State.

Should my inference from the reported retiring of Gen. Twiggs and command prove erroneous, I shall respond to a renewal of your call for a loan of arms by promptly shipping such as we may then be able to spare.

Fully approving the active preparation made by the authorities of Texas for her defense, and desirous of aiding them is every proper way, I remain, very respectfully, your obed't serv't,

Thos. O. Moore,
Gov. of the State of Louisiana.

(Document A)

Statement from P. Rotchford, Agent for the DuPont's powder.

United States cannon powder,	$6.00
100 Keg rifle,	6.00
500 Keg musket,	6.00

at the powder magazine.

Common cannon powder is only $5 per keg, for blasting and for saluting purposes.

It will be necessary to give some timely notice in order to have any quantity of powder. We have only some rifle powder at $5, which is considered good, but only one or two hundred kegs, it would no doubt do for cannon as it is strong.

P. Rotchford, 49 Union St.

(Document B)

Invoice of ordnance, and ordnance stores, turned over by H. Oladowski, commanding Baton Rouge Arsenal, to James H. Rogers, agent of the State of Texas, in obedience to order of governor and commander-in-chief of the State of Louisiana army.

1000 Muskets, altered to percussion model, 1822.
1000 Screwdrivers for percussion arms.
1000 Cones, " "
1000 Wipers for muskets "
100 Ball screws, " "
100 Screw vices, " "
50 Arm chests.

I certify that the above is a correct invoice of ordnance and ordnance stores, turned over by me, this 26th day of Feby, 1861, to James H. Rogers.

H. Oladowski,
Commanding Arsenal.

REPORT NO. 3.

Committee Room, March 18, 1861.

To the Hon. O. M. Roberts,
President of the Convention.

The undersigned is instructed by the committee on Public Safety to report through you to the Convention that, believing it to be among their first duties to secure to the State of Texas all the arms and munitions of war in the hands of the U. S. troops within the State, and having appointed Col. Ben. McCulloch to the command of the post at San Antonio and other posts in that quarter, Col. Henry McCulloch for the Northwest frontier with authority to protect the frontier from hostile invasion, and having also appointed Col. John S. Ford to Brazos Santiago, Brownsville and other posts on the Rio Grande, they found it was absolutely necessary to provide means of transportation and subsistence of the troops, especially for those under the command of Col. John S. Ford, as they had to be transported across the gulf to the mouth of the Rio Grande. The propriety of sending Col. Ford's command by water will be apparent, when it is considered how great the distance is by land, and the great difficulty of procuring provisions through the country. Especially will it be apparent when it is seen by the report of Gen'l E. B. Nichols that, had the command been delayed a few hours later, they would most probably have lost all the valuable arms and munitions at Brazos Santiago. It will be seen that Capt. Hill, U. S. officer, had ordered everything at that point to be destroyed.

The committee, having set on foot the enterprises alluded to, believed that it would be ruinous to the State to fail for the want of anything in their power to furnish. The gallant and brave volunteers had nobly responded to the call of their respective commanders, money alone was now necessary to proceed to accomplish the objects of the mission. The Convention, by an ordinance passed during the first sitting, authorized the President of the Convention to raise $100,000 and pledge the faith of the State for the payment of the same, and to disburse the same by order of the committee of Public Safety, whenever said President should be notified that the same was necessary for the defense or safety of the State by said committee. The committee accordingly on the 4th day of Feby, 1861, notified the President of the Convention of that fact; to which he promptly responded by appointing Gen. E. B. Nichols commissioner for the purpose of raising funds not to exceed $95,000. The committee at the same time appointed Gen. E. B. Nichols financial agent in behalf of the State to disburse the money so raised by him under instructions and commission issued to him. All of which proceedings by the President of the Convention and the committee will appear in document No. 1.

To the Hon. O. M. Roberts,
President of the Convention of the People of Texas.

You are hereby notified that by a resolution of the committee of Public Safety the sum of $100,000 is necessary to be raised for the safety of the State, and to provide for the defence and welfare thereof.

Witness my hand, this 4th day of Feby, A. D. 1861.

Jno. C. Robertson,
Chrm'n Com. Public Safety.

Whereupon the President issued to Gen. Nichols the following authority:

To Gen. E. B. Nichols:

By virtue of the authority in me vested by the Convention of the people of Texas, assembled at Austin on the 28th day of Jany. A. D., 1861, I, O. M. Roberts, President of said Convention, do hereby appoint you commissioner on behalf of the people of Texas to raise and procure for the State of Texas a sum of money not to exceed the sum of $95,000, and you are hereby authorized, by virtue of the authority aforesaid, to pledge the faith of the State of Texas for the payment thereof, and you are authorized to negotiate for the same on such terms as in your judgment are right and proper.

You are also required to disburse the sum or sums of money you may thus raise or procure, according to the instructions you may receive from the committee on Public Safety.

Done at the city of Austin, this 4th day of Feby, A. D., 1861.

O. M. Roberts
President of the Convention of the people of Texas.

To E. B. Nichols:
Sir:

You are hereby appointed financial agent with powers to disburse such sum or sums of money as you may raise or may come into your possession for the benefit of the State of Texas; and, acting in said capacity of financial and disbursing agent for said State of Texas, you will be governed by the following special instructions:

1. Before entering upon the discharge of your duties, you are hereby required to enter into bond in the sum of $100,000, payable to the State of Texas and conditioned that you will faithfully perform the duties entrusted to you under this power.

2. You are hereby authorized to borrow the sum of $100,000, and to pledge for the repayment of the same the faith of the State of Texas and such other securities as may be placed in your possession, and for the purpose of accomplishing said loan you are hereby fully authorized to negotiate for the same upon such terms as in your judgement are right and proper.

3. You are further authorized to receive and receipt for in the name of the State of Texas all sums of money, arms and munitions of war, army supplies and every species of property that may be surrendered to you within the limits of said State.

4. You are further authorized to proceed to any point within or out of the State of Texas in order to effect said loan, and as soon as that is accomplished you are required to procure such vessels as may be necessary to transport 300 men from Galveston or such other point as may be designated by Col. John S. Ford to Brazos Santiago or such other point as may be designated by said officer, and you are also required to procure at the same time, or as soon as possible, sixty days supplies of rations for 600 men, and such vessels and supplies you will place at the disposal of Col. John S. Ford, and you are also required to proceed to Point Isabel and the Rio Grande and take into your possession all such money or property as may be tendered to you by any person and hold the same subject to the order of this committee, except so far as you are hereby authorized to dispose of the same.

5. By requisition from Col. Ford, you are authorized to deliver to him such arms and munitions of war and army supplies as he may demand, and you are further authorized to keep the remainder of such property of every kind as may come into your possession at such place or places as will insure its safe keeping, at your discretion, unless otherwise ordered by this committee.

6. You are required to confer with Col. Ford touching the matters connected with your powers, and to afford him such assistance as you may be able to do by furnishing to him such supplies as he may require, and in order more effectually to aid Col. Ford in his mission you are authorized and required to confer with him as to the extent of your powers to aid him.

7. You will report as often as is convenient to this committee all things transacted by you touching the powers herein granted.

8. You are required to keep a correct account of all your proceedings in a well bound book, and to do so you are authorized to employ a secretary at such salary and upon such terms as you may think proper.

9. You are also required to organize quartermaster's, commissary's. ordnance and medical departments, in conjunction with Col. Ford,

and in organizing the same you will be governed by the regulations of the army of the United States of America.

10. You are also authorized to select such persons as you may think proper to aid you in accomplishing the successful result of your mission.

Jno. C. Robertson,
Chr'm of Com. of Public Safety.

Attest:
R. T. Brownrigg,
Sec'y to committee.

Gen. E. B. Nichols was also furnished with attested copies of the following documents, viz:

The joint resolution of the State legislature, giving its assent to and approving of the Convention of the people of Texas.

The ordinance to dissolve the union heretofore existing between the State of Texas and the other States, united under the compact styled the "Constitution of the United States of America."

Gen. Houston's letter to the committee of the Convention.

Resolution conferring authority on the committee of Public Safety.

Resolution giving power to committee to sit during recess.

Resolution authorizing the President to raise funds, etc.

On the 8th day of Feby, A. D., 1861, the following additional document was issued by the committee to Gen. Nichols:

To Gen. E. B. Nichols:

By virtue of the authority in me vested by the Convention of the people of Texas, assembled at Austin on the 28th day of Jany, A. D., 1861, I, O. M. Roberts, President of said Convention, do hereby appoint you commissioner on behalf of the people of Texas to raise and procure for the State of Texas $5,000 in addition to that you are already authorized to raise, making in the whole the sum of $100,000, and you are hereby authorized to pledge the faith of the State of Texas for the payment thereof.

And you are authorized to negotiate for the same on such terms as in your judgment are right and proper.

You are also required to disburse the sum or sums of money you may thus receive and procure, according to the instructions you may receive from the committee of Public Safety.

Done at the city of Austin, this 8th day of Feby, A. D., 1861.

O. M. Roberts,
President of the Convention of the people of Texas.

By the instructions given to Gen. Nichols, and the appointment of Col. Ford hereinafter shown, it will be seen that the committee used every possible precaution to prevent the useless expenditure of money, and also to avoid if possible a conflict with the Federal troops. Whilst, however, they were exceedingly cautious in their instructions and solicous to avoid collision, yet it was not intended that the troops should leave with their arms and the munitions of war, only so much, as by the usages of war, they would not be dishonored if they departed peaceably. The committee, however, determined if they could not get the Federal property by stipulation on honorable terms to both parties, to have it at *all hazards*, and they so provided in their military appointments. Gen. E. B. Nichols, immediately after his appointment, left Austin for New Orleans to obtain the means, while Col. Ford was marching and concentrating his forces at Galveston. Gen. Nichols had a Herculean task to perform; he had to provide means for sustaining a force of 500 men, and to procure transportation for them and purchase the provisions for them, and transport these from New Orleans to Galveston. Gen. Nichols reached New Orleans about the 12th of Feby, and in an incredibly short time he procured vessels for transportation, he purchased provisions for sustaining the troops, and returned to Galveston, embarked the troops and set sail for Brazos Santiago on the 20th day of Feby, 1861. Gen. Nichols, when in the city of New Orleans, negotiated a loan to the State from the Citizens Bank, of $10,000, and on his individual responsibility he effected a loan to the State of Texas of $10,000. He purchased quartermaster's stores of W. H. Leitchford & Co. to the amount of $1570, of James Connelly & Co., $2500. These two firms generously rely upon the faith of the State for their pay, and also the Citizens Bank of Louisiana looks to the State for refunding the sum advanced. The remaining $10,000 Gen'l Nichols obtained upon his own credit.

It will be thus seen that Gen. Nichols pledged the faith of the State for the sum of $24,070; an account current made by Gen. Nichols, of date the 18th of Feby, 1861, is herewith submitted, marked No. 2, by which it will be seen that at that date Gen'l Nichols had in his hands $6,639.40, having paid to the committee the sum of $10,000; the whole amount in the hands of Gen. Nichols, including the amounts expended for stores, etc., was $17,430.60; the amount received by the committee will be shown how disbursed hereafter.

The military district of country in which Col. John S. Ford was commissioned was defined by beginning at a point on the Rio Grande, half way between Forts Duncan and McIntosh and include all forts on the Rio Grande below said point, and the entire district of country between the Nueces and Rio Grande, and at right angles with the general course of said river to the point of beginning. Within this district assigned to Col. Ford there were, of the U. S. army, three companies of cavalry, five companies of infantry and two companies of artillery, in all ten companies of well disciplined regulars; all of whom were along the line of the Rio Grande, and were known to be well supplied with means for prompt transportation and could be concentrated at or near Brownsville. A list of posts in the department of Texas is herewith submitted, marked document No. 3. The committee being satisfied that at least 600 volunteers were necessary for the expedition authorized Col. Ford to call out that number, with discretionary powers to call for more should he deem it necessary. Besides the securing the public property on this line, Col. Ford was authorized and required to protect that line against hostile invasion and so garrison the military posts as to safely preserve the public property. The committee executed to Col. John S. Ford the following instructions and commission:

Colonel Ford's Commission.

Committee Room, Feby 5th, 1861.

To. Col. John S. Ford:

Sir:

You are hereby appointed military commander to proceed at once to the Rio Grande for the purpose and objects hereinafter explained, and you will be governed strictly by the following instructions:

The object of your mission is a twofold one. 1st. To use such means as will secure to the State of Texas all arms and munitions of war, together with all property of every kind now retained by and in the possession of the U. S. of America, at Point Isabel and at all points along the line of the Rio Grande; and 2nd. To use such means as will protect the Rio Grande frontier against hostile invasions.

In pursuance of these objects you are hereby authorized and instructed to call into service 600 men, or less if in your judgment a less number be sufficient. You will organize such men into companies of not more than one hundred, rank and file, and you will also at your discretion select such number of companies as you think best and organize the same as a cavalry corps at such time and place as you may deem best.

At the earliest practicable time you will proceed to Brazos Santiago, Point Isabel, or such other point as in your discretion is best, and there demand from parties in possession all public property now claimed by the United State of America, and consisting of arms and munitions of war, public buildings and army stores, for the State of Texas. It is of the first importance that this should be accomplished without hostile collision with the United States authorities, and you are instructed to use every practicable means to accomplish it in a peaceable manner if it be possible so to do, without jeoparding the services of your mission.

For every species of property so procured, you will give a receipt as the duly authorized agent of the State of Texas, provided E. B. Nichols is not present to perform that duty; if, however, he is there, it will be his duty to receipt for the same, by virtue of his authority; and, in such event, after the surrender of such property, you will instantly report the same to him and afford him every facility in your power to enable him to take charge of such property and to preserve the same.

If E. B. Nichols should not be present when such property is surrendered, you will hold the same subject to his order, or of this committee. In any event, you will exert yourself to protect such property from injury or destruction.

In securing to the State of Texas property claimed by the United States of America, at all points you will be strictly governed by the following intructions, given in relation to property claimed by the United States of America at Brazos Santiago and Point Isabel.

In order to protect the Rio Grande frontier from hostile invasions, you will at all times enforce in your command the strictest military discipline, and to effect this you will be governed by the regulations of the army of the U. S. A., and articles of war of the same, as far as it is possible to apply the same to your command, not only in regard to discipline but to the mode and manner of the organization of your command in every department.

You will strictly avoid injury or depreciation by your command to or upon the property of private persons, and you are enjoined not to permit injury to the citizens of the State of Texas.

You will endeavor to the extent of your power to secure the good feeling of all the U. S. officers and men to our cause, and you are authorized to assure them that the State of Texas will use her influence to secure for them such rank in the army of the Southern Confederacy, or of the State of Texas, as they now hold.

The military district of country in which you will operate will begin at a point on the Rio Grande half way between Forts Duncan and McIntosh and include all forts on the Rio Grande below said point, and the entire district of country between the Nueces and Rio Grande, and at right angles with the general course of said river at the point of beginning.

At military posts garrisoned by United States troops, (other than Point Isabel and Brazos Santiago,) you will first confer with the chief officers and obtain from them, if possible, assurances that no effort will be made by them to defeat the object of your mission, and if said assurance is given you may stipulate with them that no attempt will be made by you for the surrender of such property until the 2nd day of March, at which time you will demand it and secure it into your possession at all hazards. If, however, such assurance is not given to you, you will observe the strictest guard over such points and the officers and men of the same, and upon any indication on their part to defeat the object of your mission you will pursue such course as in your discretion will render your success certain.

To repel hostile invasion of the Rio Grande frontier, you will be governed by instructions hereinbefore given and the exercise of your discretion.

You will endeavor to hold friendly intercourse with the neighboring Mexican authorities, and assure them of our desire to cultivate with them the kindest feelings of amity.

For all necessary transportation, supplies of arms, munitions of war, and the support and maintenance of your army, you will draft upon E. B. Nichols, who has been authorised to supply the same, and is instructed to confer with you as to the extent to which supplies will be rendered.

You are hereby required to report to the chairman of this committee as often as opportunity offers, and to obey such instructions as may hereafter be given you by this committee, and should any emergency arise not provided for in your instructions you are authorized to act at your discretion in such manner as will not be incompatible with such instructions as you have received.

If any officer, noncommissioned officer or private should be guilty of disorderly conduct or intemperance so as to render him or them, in your opinion, unfit or inefficient for the service, you are authorized and required to discharge such officer, noncommissioned officer or private from the service.

You are authorized to receive into the service, under your command, all officers and soldiers now in the United States service, with assurances that all laudable efforts will be made by the people of Texas to retain them in the State service or the service of the Southern Confederacy when formed.

If you find 600 men insufficient to accomplish the object of your mission, you are authorized to call out enough for the purpose, and report the same to the committee at once, and you are required to report by a courier or express to this committee.

Should you deem it advisable to retain any portion or all of the Federal troops in your district in the temporary service of the State, you can do so; and in case any or all of them should express a desire to depart the country peaceably, then you will permit them to do so upon such terms as will not dishonor them and as will insure the public safety, and in such way as will insure safety to their persons and private property.

Col. John S. Ford was also commissioned as colonel of cavalry, under the resolution adopted by the committee on the 3rd day of Feby, 1861, commission dated accordingly, and furnished with duly authenticated copies of the following documents, viz:

The joint resolution of the State legislature approving of and giving its assent to the Convention of the people of Texas.

The ordinance to dissolve the union between the State of Texas and the other States united under the compact styled the constitution of the United States of America.

The letter of Governor Houston to the committee of the Convention.

The resolution of the Convention conferring power on the committee to make such appointments, and

The resolution authorizing the committee to sit during the recess of the Convention.

The committee also received from Col. John S. Ford the following communications which are also herewith submitted:

Brownsville, Feby 22, 1861.

Colonel:

I have the honor to report that a portion of the Rio Grande regiment, consisting of the companies of Capt. Edwards, Odlem, Redwood, Conner, Van Buren and Davis, in all near 500 men, sailed from Galveston on the 19th inst. On the 21st we came to, off the bar of Brazos Santiago, and boarded by a pilot. He informed us that Lieut. Thompson was at the Brazos in command of a detachment of U. S. soldiers; that he had two large pieces shotted and pointed so as to command the roadstead, and that his intention was to fire upon us in the event we endeavored to enter the harbor.

According to orders, dispositions were made to place the Texas force in readiness to repel an attack. Myself and Gen. E. B. Nichols, commissioner of the State of Texas, went on shore and had an interview with Lieut. Thompson. He, after some hesitation, agreed to remove his command and allow us to take possession of the U. S. property on the island without resistance. The Texas troops were landed in good order and promptness and were drawn up on the beach in order of battle.

A salute of 33 guns was fired and the Stars and Stripes were lowered in respectful silence. The Lone Star Flag was hoisted and cheered with enthusiam and was saluted by 22 guns.

Lieut. Thompson withdrew his command. I am happy to state that no unpleasant remark dropped from either party during the affair, and a high-toned courtesy seemed to prevail throughout.

The number and character of the pieces taken can not now be given in detail; yet it may be safely asserted that the State of Texas has in her possession a supply of siege guns and mortars amply sufficient to protect all her harbors.

After landing and storing the supplies from steamer *Gen. Rusk* and the schooner *Shark*, I started for this point accompanied by Gen. Nichols and Gen. McLeod. We arrived to-day about noon. From all we can learn it is probable we shall have no great trouble. We hope the affair can be adjusted satisfactorily by negotiation. If hostilities commence, it shall be the act of the United States officers.

Mr. Fenn, the P. M. here, received a letter recently from a Black Republican, expressing a determination on their part to get possession of Pensacola, and to secure the free navigation of the Mississippi. We will investigate and report further on this matter.

By the *Gen. Rusk* I shall report more fully.

I have the honor to be your obd't serv't,

John S. Ford,
Col. Comd'g Rio Grande Mil. District.

Hon. J. C. Robertson,
Chairman of Com. on Public Safety.

Brownsville, March 6, 1861.

Colonel:

I am in receipt of no communications from you, nor from any quarter, apprising me of the events transpiring at other points in the State.

The command at Brazos Santiago and the mounted troops reported amount to a few more than 1000 men. Other companies are *en route* to this place, and the force will be adequate to the service required, and I hope soon to be able to dispense with a portion of it. Meantime I would suggest the propriety of raising companies to serve for a stated period in this district. The length of the line to be protected, the danger of forays from the Mexican side, the fact that 17 or 20 companies of U. S. troops will leave Texas by way of the mouth of the Rio Grande, indicate in a most unmistakable manner the necessity of a respectable and well organized force on the lower Rio Grande. In the event Mr. Lincoln should adopt a coercive policy, Brazos Santiago and the mouth of the river would be points of attack. They are keys to the valley of the Rio Grande and they should be permanently fortified.

On the 3rd inst. the *Daniel Webster* arrived off the bar at Brazos Santiago. She was boarded by Gen. Nichols and her peaceable intentions ascertained. Maj. Porter, of the U. S. A., was on board of her, and has been sent to superintend the withdrawal of the Federal troops from the Rio Grande frontier, and probably other portions of Texas. I accompaied him to this place. He expresses himself decidedly favorable to a peaceful solution of the present difficulties between the slave-holding States and the general government. Under his present orders, he says, collision cannot occur, unless by the acts of the State troops. I understand him to be willing to observe the agreement made by Gen. Twiggs with the Texas commissioners. He has directed Capt. Stoneman to remain at Fort Brown, receive the public property from U. S. officers when they shall arrive, notify the commands of this district of his readiness to turn over the same to an authorized agent of the State of Texas, and, when he shall have accomplished these objects, he is instructed to embark for the United States. Unless Mr. Lincoln shall countermand the order under which Maj. Porter is acting, all will be effected without disturbing the relations of peace which should exist between the Confederate and United States. Should he attempt coercion the U. S. troops concentrated on the Rio Grande would give great trouble. Under the agreement made at San Antonio, there is no way to prevent the Federal troops forming a junction at Fort Brown or the mouth of the Rio Grande. They are moving out of the country, and will be awaiting transportation, as they will aver, and as they now honestly intend, but what would be the result should they be ordered to hold their positions upon the ground that the present Federal president does not approve the agreement made with Gen. Twiggs? It is for the Convention to judge whether this contingency is within the range of probability, and if so to prepare to meet it.

I have strong hopes that all will go well and without bloodshed. I have used every effort to avert civil war, and shall feel to have done the country a service if, in the slightest degree, I have been instrumental in preserving peace.

Lt. Col. McLeod is still in command at Brazos Santiago. He has been very actively and assiduously employed in drilling the men and rendering the command efficient. He has erected temporary earthworks and placed heavy pieces at serviceable points to protect our position on Brazos Island and to defend the harbor and the roadstead. These works are not of a character to withstand an attack from a besieging force properly supplied with siege guns and making their approaches scientifically. As a strategic point, Brazos Island possesses importance and should be made defensible by the erection of permanent works.

Considerable alarm exists among the Mexican population on this side of the Rio Grande. It has been created by designing, unpatriotic men. I shall issue an address to them stating the object of our mission and hope to quiet their apprehensions.

I have the honor to be, your obd't servant,

John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

Hon. J. C. Robertson,
Chrm'n Com. Public Safety, Austin, Texas.

Brownsville, March 7th, 1861.

Colonel:

I have the honor to report operations since yesterday. I was today informed by Capt. Stoneman that Ringgold Barracks and Fort McIntosh have been evacuated by the United States troops. I have given orders to Capt. Nolan of the mounted volunteers to proceed immediately to those points and occupy them by detachments from his command, to see that the public property is not squandered and to take care of the same.

Fort Duncan has also been evacuated, and the force which occupied it is *en route* for this place, and is expected to arrive to-morrow or the next day.

Yesterday evening I addressed a note to Capt. Stoneman, and received his reply to-day. Copies are herewith forwarded.

I hope there will be no difficulty in adjusting the remaining matters with the U. S. officers. It is anticipated that the last of the U. S. troops will embark by the 20th of this month.

I shall dispose of the Texas troops at such points as may be conducive to health, and in a manner to admit of concentration at an early period.

I think the people of Texas can congratulate themselves upon the flattering prospect that their separation from the government of the former United States will be made final without war. If it is a revolution, it is thus far a bloodless one, and challenges the world for a parallel.

I have the honor to be, your obd't servant,

John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

Hon. J. C. Robertson,
Cham'n Com. Public Safety.

(Copy.)

Brownsville, March 6, 1861.

Captain:

In our different conversations regarding the withdrawal of the U. S. troops from the territory of Texas, I understood you to say that you were to remain at Fort Brown, receive such public property as should be left in accordance with the agreement between Gen Twiggs and the Texas commissioners, and turn over the same to the authorized agent of the State of Texas. Texas has a considerable force in the field; volunteers are naturally restless; and every day a large body of them remains within striking distance of the Federal troops, the danger of collision by some mere meeting of the detachments is great. In order to obviate this I request you to state whether my understanding of your intentions is well founded, and whether it is intended to withdraw the U. S. troops from Texas as soon as practicable, and without attempting to hold any position upon the territory of Texas against her consent.

My object in asking an answer in writing is to lay the same before the Convention of the people of Texas, and to quiet the apprehensions of the public mind which has been excited by rumors of an impending civil war in this quarter.

I have the honor to be, your obedient servant,

John S. Ford,
Col. Comd'g Rio Grande Mil. Dept.

Capt. Geo. Stoneman
2nd Cavalry, U. S. A.

(Copy.)

Fort Brown, Texas, March 7, 1861.

Col. J. S. Ford.
Comd'g Rio Grande District.

Sir:

In reply to your communication of yesterday, I beg leave to state as follows:

It is the intention as well as the desire of the Federal troops on the Rio Grande to leave the soil of Texas at the earliest period, and as soon as transportation by sea can be furnished by the Federal authorities for that purpose. While they will be ready and prompt to remove any obstacles which may be placed in their way to retard or prevent the execution of all proper and legal orders, it is the desire of the officers and men to prevent any collision with the State forces of Texas or any other persons, organized or unorganized. It is the intention to evacuate all points now in the possession of the Federal forces as soon as circumstances will allow, after which they will be under your control to be occupied or not as you may see fit. Such public property as is not taken away by the troops, under the agreement made between the commissioners of Texas and the department commander, will be turned over to yourself, or such other persons as may be properly designated, and this property will doubtless be delivered as soon as consistent.

Measures have been taken by the staff officer now here, acting under the instruction from the headquarters of the U. S. army, to hasten the concentration of the troops at this point for the purpose of embarkation as soon as transportation can be furnished for that purpose.

I am very respectfully, your obd't serv't,

Geo. Stoneman,
Capt. 2nd Cavalry, U. S. A.

Headquarters, Rio Grande Mil. Dist.
Brazos Santiago, March 13, 1861.

Colonel:

I have the honor to report that the U. S. troops are embarking in obedience to the order of Gen. Twiggs. The public property is being turned over to the State commissioner.

I have discharged a part of the troops under my command, and for the present have in service from 700 to 800 men. We must not embroil ourselves with Mexico. To prevent that it is necessary to make a demonstration of force upon the Rio Grande. Accounts of Indian depredations are reaching me. It will be necessary to send mounted troops to defend exposed points and chastise marauders. I shall do all I can to protect this frontier and at the least possible expense.

I have the honor to be, your obd't serv't,

John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

To the People of the Valley of the Rio Grande:

The government of the United States was formed for certain purposes specified in the constitution, and as the agent of the sovereign States which are parties to the compact. This agent has failed to discharge the duties and exercise properly the powers thus delegated, and certain States have violated the constitution by refusing to observe its stipulations and guarantees and by nullifying a law of the general government. A president has been elected in accordance with the forms of the constitution and upon principles violative of its plain intent and spirit, and he and his party propose to administer the government upon those principles of centralism which are subversive of the rights of the people of fifteen of the States formerly composing a part of the Federal union, and destructive to their equality as coequals and co-sovereigns in the confederacy. For these and many other reasons the State of Texas separated herself from the States styling themselves the United States of America, and resumed to herself the sovereignty, or the portion thereof, the exercise of which she delegated to the government of the United States by the ordinance of annexation, on the 4th day of July, 1845. This act of secession or separation was made complete on the 2nd day of March 1861, and Texas is now a free, sovereign and independent power. She will, however, unite her destinies with the other seceding States and become a party to the contemplated government they will organize, and is no doubt by this time a party to the federal provisional government under the control of President Jefferson Davis. Under existing circumstances the Convention of the people of Texas, which assembled at Austin, Jany 28, 1861, made provisions for the change of government, and provided for calling troops into the field to take the place of those of the U. S. army, which it was presumed would be withdrawn from her territory and which are now being withdrawn.

Texas is desirous of maintaining peaceable relations with her former confederate sisters. She is willing to make any honorable sacrifice to avert the horrors of a civil and fratricidal war. She designs to inaugurate a policy peaceful and unaggressive in its character, and to give no just cause of offence to any other State or government as long as she remains in control of her own affairs and external relations. She is determined to give ample protection to all her citizens without distinction and regardless of nationality.

In accordance with these resolves and to carry into successful operation measures so essential to the well being of society and good government, the undersigned has been placed in temporary command of the military district of the Rio Grande. He is determined to give protection to person and property, to punish all offences against the same, if committed by any one under his control, and to repel invasion, come from what quarter it may, if in his power so to do. All good citizens are requested to remain at home in pursuit of their peaceful vocations. Their rights, civil and religious, will be respected, their persons and property secured against molestation and danger. Order will be preserved and everything possible will be done to restore tranquility and confidence to this frontier. The persons who have endeavored to sow the seeds of alarm and disquietude broadcast among you, to persuade you that the objects of the Texas troops are different from those above indicated, can not point to a single declaration or act to establish the truth of their assertions. They may be sincere, yet if their claims to patriotism and a desire to promote public good are to be established upon their actions in this connection they would be badly sustained. If your rights should be jeopardized and your lives endangered by the presence of a foe, few of those busybodies will be found in the ranks of your defenders.

Listen not to their insidious slanders. Texas has noble ends in view. She is endeavoring to preserve her freedom inviolate and not to oppress her sons, to protect and not to destroy, in short to do all that a just and generous State should do to secure prosperity, happiness, and the blessings of peace to her citizens.

John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

Brownsville, March 6th, 1861.

Brownsville, Texas, Feby 25th, 1861.

Colonel:

I have the honor to report operations since the date of a previous communication.

The temper of the officer in command here indicated a disposition to resist the surrender of the public property. He viewed the occupation of the Brazos as a hostile act, asserted his ability to dislodge our troops, and seriously entertained the idea of attempting its accomplishment. Everything was verging towards the initiation of war on his part. I am of opinion that the prudence and the influence of Capt. Stoneman and a few other army officers prevented collision. The receipt of orders to-day from San Antonio has done much to shun the danger of civil war, yet the chances of such a thing are not entirely removed and I have abated no endeavor to place our troops in a posture to defend their position, which is, in fact, the key to the lower Rio Grande.

Lieut. Col. McLeod has been ordered to establish batteries to defend the harbor of Brazos Santiago, to bear upon the roadstead; and, in short, to repel attack from any quarter. A battery will be placed near the mouth of the Rio Grande to command that point and the approaches to it.

The communications of the military with the coast are interrupted, and the points of embarkation are in our possession. They cannot leave the country without our consent, unless they drive us from our positions.

The *Daniel Webster* is reported to have orders to communicate with the Gulf Squadron, and it is said a vessel of war will accompany her in. The corvette *St. Louis* is mentioned as the probable one. If this be so the object may be to defend the embarkation of U. S. troops, or to shell us out of Brazos Santiago.

I learned to-day from one of our spies that tents and other public property were being ostensibly sold to a merchant of this place. The sale is fictitious and the intention is to smuggle the articles out as private property. I have taken steps to prevent the consummation of the scheme and shall not respect the pretended sale.

An officer of the army tells me there is no doubt of a desire on the part of Mr. Lincoln to form a treaty of alliance offensive and defensive with Mexico, and to check the expansion of the South in that direction.

To-day I called upon Gen. Guadalupe Garcia, commandante of the line of the Bravo, and assured him of the pacific intentions of the Southern Confederacy, of her ardent wish to cultivate peaceful relations with Mexico, and to avoid giving just cause of complaint for the nonobservance of the usual courtesies which comity demands between sovereign powers. His answers were satisfactory and gave assurances that trouble may not be apprehended from the authorities of the coterminus States of Mexico.

There are three or four of the U. S. army officers at this place who contemplate resigning and taking service in the army of the Southern Confederacy. A great many of them will not fight against the South, and I should not be surprised should a great many of them determine to enlist in the service of the State of Texas at an early period.

Everything possible is being done to organize the regular departments, to drill the troops and make them efficient. The character of the men who have volunteered is excellent, and Texas may well feel proud of such a corps.

I have, under the circumstances of uncertainty by which I am surrounded, thought it necessary to send for more men. When the object of my mission shall have been accomplished, I shall disband the companies desiring to return home, and retain a sufficient number of men to guard the public property and defend the line of frontier in my charge.

I must not omit to mention the kindly treatment I have received from the officers of the U. S. army here, and the entire absence of all feeling which would render our intercourse unpleasant. Many of them have joined me most cordially in the effort to avert civil war.

I am under many obligations to Capt. Smith, of the steamer *Gen. Rusk,* for efficient service promptly rendered during our passage. Col. Latham and other citizens of Cameron county have extended all the aid in their power to facilitate every requisite measure to ensure success.

Allow me to again repeat that I shall do my utmost to effect everything without the employment of force, and shall be happy if any act of mine shall be instrumental in warding off the horrors of a civil war. If such a calamity should be visited upon us, I am determined to let the responsibility of its inauguration rest upon others.

I have the honor to be, your obd't servant,

John S. Ford,
Col. Comd'g Rio Grande Mil. District.

Hon. J. C. Robertson,
Chairman of Com. on Public Safety.

Galveston, Feby 28th, 1861.

Hon. J. C. Robertson,
Chrm'n Com. Public Safety.
Dear Sir:

I sail for Brazos Santiago with 325 men in an hour—now 10 o'clock P. M. I have only time to say I am tired and do not expect we will have much trouble with Capt. Hill.

Cols. Rainey and Armstrong have my report of events on the Rio Grande. Please present me to Judge Roberts, and friends generally.

Yours, etc.
E. B. Nichols.

From these [communications] it will be seen that the 500 men first sent out were deemed insufficient for the emergency, and Gen. Nichols returned to Galveston for an additional force, and took back with him 325 men. The committee are gratified to report that although Capt. Hill appeared obstinate and determined not to yield up his post with the arms and munitions, the whole matter has been finally adjusted without a conflict, on the basis agreed upon which Gen. Twiggs by the commissioners to San Antonio.

The committee are not yet informed in detail of the amount of property obtained by Col. Ford's expedition; an inventory of the property obtained at Brazos Santiago is herewith submitted in Gen. Nichol's report, supposed to be worth the sum of from $100,000 to $250,000. It is believed that the amount at Brownsville and other posts on the Rio Grande will not fall short of $1,000,000. The committee are constantly looking for the arrival of Gen. Nichols, who will be able to furnish a full report of that department. The committee take occasion to say that in all their movements, especially at the inception of them, they endeavored to observe the most profound secrecy, not on account of any apprehension of obstacles being thrown in the way by the true and loyal citizens of Texas, but they were not unmindful of the fact that there were enemies to Texas and the South with whom it would be indiscreet to entrust a knowledge of their movements. Secrecy was therefore only intended to protect the country against enemies, not friends. If the enemies are dissatisfied on account of the secrecy, it shows the wisdom and prudence of the committee in the observance of it.

The committee can not close this report without expressing their gratification at the prompt manner with which all the officers they have appointed have performed the duties assigned them. Having heretofore alluded to the conduct and management of others, they take this occasion to bear testimony to the invaluable services of Col. John S. Ford and Lieut. Col. Hugh McLeod in the great cause of secession and in obtaining the Federal property on the Rio Grande.

The committee are unable, for the absence of a final report from Col. Ford and Gen. E. B. Nichols, to close up this branch of business, but they will submit an ordinance by which the same may be done after the adjournment of this Convention.

I have the honor to be very respectfully,

J. C. Robertson,
Chrm'n Com. Public Safety.

(Document No. 2)

The State of Texas, in account with E. B. Nichols, Agent.

1861.	*Debits.*	
Feby	15th, To paid Fiquet & Boswet, Bill, Capt. 1,	$ 83.50
"	13th, To paid J. H. and I. N. Marks, Bill Capt. 2,	1,248.70
"	13th, To paid Jas. Connelly & Co., Bill Capt. 3,	4,478.40
"	13th, To paid for 50 M percussion caps, La. State, 4,	50.00
"	15th, To paid W. H. Letchford & Co., Bill Capt. 5,	1,570.00
"	18th, Cash to J. C. Robertson, Chrm'n of Com.,	10,000.00
	Balance down,	6,639.40
		$24,070.00

1861.	*Credits.*	
Feby	13th, By cash from Citizens Bank, New Orleans	$10,000.00
"	13th, By cash from Q. W. Pierce & E. B. Nichols,	10,000.00
"	13th, By cash from W. H. Letchford & Co.,	1,570.00
"	13th, By cash from Jas. Connelly & Co.,	2,500.00
		$24,070.00
1861.		
Feby	18th, By balance down on hand	$ 6,639.40

E. & O. E.—

Galveston, Feby 18th, 1861.

E. B. Nichols, Agent,
By R. O. Brown.

(Document No. 3)

List of Posts in the Department of Texas, and number and designation of Companies at each Post.

Fort Bliss, Texas, 3 Companies of 8th Infantry.

Camp Cooper, Texas, 2 Companies of 2nd Cavalry and 1 Company of 1st Infantry.

Fort Quitman, Texas, 1 Company of 8th Infantry.

Fort Chadbourne, Texas, Head Quarters and 2 Companies of 1st Infantry[5]

Camp Colorado, Texas, 1 Company of 2nd Cavalry.

Fort Davis, Texas, 3 Companies of 8th Infantry.

Fort Lancaster, Texas, 1 Company of 1st Infantry.

Fort Stockton, Texas, 1 Company of 8th Infantry.

Fort Mason, Texas, Head Quarters and 2 Companies of 2nd Cavalry.

Camp Hudson, Texas, 1 Company of 8th Infantry.

Camp Verde, Texas, Head Quarters and 1 Company of 1st Infantry.

Camp Ives, Texas, 1 Company of 2nd Cavalry.[6]

Fort Clark, Texas, 5 Companies of 3rd Infantry.

San Antonio Bks., Texas, 1 Company of 8th Infantry.

Fort Inge, Texas, 1 Company of 2nd Cavalry.

Fort Duncan, Texas, 3 Companies of 1st Artillery, (one a mounted battery, company K, 1st Artillery.)

Camp Wood, Texas, 1 Company of 2nd Cavalry.

Fort McIntosh, Texas, 2 Companies of 3rd Infantry.

Ringgold Barracks, Texas, 3 Companies of 3rd Infantry.

Camp on Rio Grande, Texas, 2 Companies of 2nd Cavalry.

Fort Brown, Texas, 1 Company of 1st and 1 Company of 2nd Artillery, (one a mounted battery, company M, 2nd Artillery.)

APPENDIX TO REPORT NO. 3.

Committee Room. March 23rd, 1861.

To Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety beg leave to submit herewith the report of Gen. E. B. Nichols to the Convention, which had not been received when they made their report heretofore on this subject. By this report and the accompanying documents thereto it will be seen that Gen. Nichols, as commissioner of the State of Texas and as financial agent, has raised on the faith of the State, and disbursed by order of the committee, the sum of $58,255, so far as he can at this time ascertain. Gen. Nichols is unable to report the whole amount at this time, as the business of his mission has not yet been finally disposed of.

---

[5] The manuscript report erroneously credits these two companies to 8th Infantry.

[6] This line is omitted from the manuscript report.

The chairman of the committee appointed three of the committee to examine the accounts and vouchers exhibited by Gen. Nichols, and they have reported them correct. By the report it will also be seen that about $3000 yet remains to be audited, making the whole cost of the Rio Grande expedition about $61,000, less $8,000 otherwise expended, for the payment of which Gen. Nichols, by authority of the Convention, pledged the faith of the State. The committee submits this report, the report of Gen. Nichols and his accounts, as an appendix to the report made of the Rio Grande expedition on yesterday, and asks that the same be printed as a part thereof.

I have the honor to be, very respectfully,

John C. Robertson,
Chrm'n of Com. on Public Safety.

REPORT NO. 4.

Report of Gen. E. B. Nichols.

To Hon. J. C. Robertson,
Chairman of Committee on Public Safety.

The undersigned, a commissioner and financial agent on the part of the Convention of the State of Texas duly appointed, having discharged all the duties assigned him, asks leave to make the following report:

On the reception of my instructions I proceeded forthwith to New Orleans, and procured on the faith of the State the sum of $24,070; $10,000 of which I received of the Citizens' Bank of that city. The State as well as myself have been placed under great obligations to Mr. J. D. Denege, the president of the bank, for the gentlemanly and lively interest manifested in our behalf. I have given a certificate of indebtedness in substance as follows:

"By virtue of the authority vested in me, by the people of the State of Texas in Convention assembled, at Austin, on the 28th day of Jany, 1861, I hereby acknowledge to have received for the use of the State of Texas, from————, the sum of————dollars, which amount I pledged the faith of the State of Texas to repay, with ten per cent. interest from date, payable out of the first moneys appropriated for the use of the army."

E. B. Nichols,
Commissioner and financial agent for the State of Texas.

I contracted with Mr. J. C. Harris, manager of the Southern Steam Ship Company, for the use of the steamship *Gen. Rusk* to transport our troops to Brazos Santiago. I submit charter party, marked A. I also purchased the commissary stores and ammunition as directed, which will more fully appear by reference to my accounts and vouchers hereinafter submitted.

I also procured of Gov. Moore of Louisiana, through Col. Herbert and Adj't Gen. M. Grevot, of the military board of Louisiana, 250 stands of percussion muskets, 5000 rounds of ammunition—cartridge boxes, belts, etc., for which I gave a receipt in behalf of Texas, to be paid for or returned to the State of Louisiana. These and other munitions I forwarded to Galveston by McKeever's Express Company. Mr. McKeever attended to the forwarding in person and without charge. To Col. Herbert and Gen. Grevot the State as well as myself have been placed under great obligations for the interest manifested in our behalf. The commissary stores were shipped on the steamship *Texas* to Galveston. I returned to Galveston on the 17th, and the day following, after a conference with Col. Ford, finding that the *Rusk* had not the capacity to carry all our troops, we chartered the steam boat *Union* and the schooner *Shark*, which with the latter in tow of the *Gen. Rusk* comprised the transport of the expedition.

In accordance with the authority which I held and your instructions, on the 19th ult. I appointed H. B. Waller, Esq., secretary of the commissioner to the Rio Grande. We embarked for Brazos Santiago, with the troops under the command of Col. Ford and Lieut. Col. McLeod, on the morning of the 20th, where we arrived on the 21st, and took possession of that point as reported by Col. Ford.

On the 22nd, Col. Ford, Lieut. Col. McLeod, Mr. Waller and myself proceeded to Brownsville on the Rio Grande, Col. F. W. Latham furnishing all necessary transportation and contributing every way in his power to our comfort and assistance. We reached Brownsville at noon of the same day, and as had been previously agreed Col. Ford called on some of the officers of the U. S. army, stationed at that post, to ascertain if possible what course the commanding officer would pursue. Col. Ford having effected nothing or gained any important information reported to me at 4 P. M. I sent a communication to Capt. B. H. Hill, the commanding officer of the troops stationed at Fort Brown, in substance as follows:

To Capt. B. H. Hill, U. S. A.,
Commanding Fort Brown.
Sir:

As commissioner of the State of Texas, I am delegated to have an interview with you, relative to matters between the sovereign State of Texas and your government, the United States. I should be pleased to have such interview at your earliest convenience, when I will make known to you my mission.

Hoping to hear from you soon and that you will appoint a time and place for our meeting, I am, very respectfully, your obd't servant,

E. B. Nichols,
Commissioner for Texas.

To this communication I received by Mr. Waller a verbal reply that I could see Capt. Hill by calling at his quarters that evening or the next day, as my wishes or convenience dictated. Not waiving a written reply to my communication, I declined to accept a verbal one. That same evening I visited Matamoras, accompanied by Col. Latham and Mr. Waller, where Col. Latham explained to some of the most prominent citizens of that city the object of our mission and the expedition.

On the night of the 22nd, at a late hour, I learned that Capt. Hill meditated an attack upon the troops quartered at Brazos Santiago. I immediately addressed him the following communication:

Brownsville, 12 P. M.

To Capt. B. H. Hill, U. S. A.,
Commanding Fort Brown.

Sir:

I had the honor to transmit to you by the hands of my secretary, Mr. Waller, a written communication requesting a conference, touching matters existing between our respective governments, to which I only received an indefinite verbal reply. While I am waiting your formal reply thereto, a rumor has reached me that an attack is contemplated by you upon the Texas troops now encamped on Brazos Island. I will not allude to the consequences of such an act against the sovereignty of my State. The fate of individuals on either side is a matter of little consequence compared with national results affecting the whole country. Civil war with all its horrors, of which we may not see the end, would inevitably ensue. As my own immediate course of action depends upon the nature of your reply, I respectfully ask it at once and in writing.

Very respectfully,

E. B. Nichols,
Commissioner for Texas.

Col. Ford, Lieut. Col. McLeod and Mr. Waller then proceeded to get what information they could respecting the rumored attack. Two trusty men were placed in a position where they could watch the movements of the Federal troops. In the morning they reported that nothing had occured in the barracks to justify the opinion that any number of the U. S. troops would march soon. Early, however, on the morning of the 23rd, Lieut. Col. McLeod left for Brazos Santiago to fortify that place. I received about noon of the 23rd the following communication in reply to my last.

Head Quarters, Fort Brown,
Feby 23d, 1861.

Sir:

I have received your two letters, dated Feby 22, 1861. The former announcing yourself "as commissioner of the State of Texas, delegated to have an interview with you (me) in relation to matters of business between the government of the United States and Texas." The latter stating that "a rumor had reached me (you) that an attack is contemplated by your (my) authority upon the Texas troops, encamped on Brazos Island," that "civil war with all its horrors, which we may not see the end of, would inevitably ensue," and that your immediate course depends upon the nature of your (my) reply. I know of no "matters of business" between the Federal government and Texas which you on the one hand and myself on the other have power to transact. However, as no detriment to the public service can result from a conference, you are hereby informed that I shall be found at my quarters in the garrison at any hour to-day, when it may suit your pleasure to appear for the transaction of all business, appertaining to my official duties.

Respectfully, your obd't serv't,

B. H. Hill,
Captain Commanding.

To E. B. Nichols,
Commissioner.

Immediately after the reception of the above letter I proceeded to call upon Capt. Hill at his quarters, accompanied by Mr. Waller. I was courteously but formally received, and at once explained the object of my visit and mission. I was promptly informed by Capt. Hill that he would not recognize my authority as commissioner for the State of Texas or the power of the Convention to delegate such authority, that he only knew the governor as the head of the State government and could hold no official communication with me, that the commission had been guilty of an act of war against the government of the United States in taking possession of Brazos Santiago in the manner it was done, that he had issued an order, (or contemplated doing so,) the night before for the arrest of Col. Ford, Lieut. Col. McLeod, Mr. Waller and your commissioner, but, upon consultation with his officers, in whose judgment he expressed great confidence, he had determined not to execute the order. He also stated that the day previous to the taking of Brazos Island he had issued an order for the destruction of all the public property at that post, that the command sent to execute the order met Lieut. Thompson, who was in command at Brazos Santiago at the time it was taken by the State troops, on the road to Brownsville with his command to report what had occurred. From all the circumstances, I am induced to believe we would have lost all the valuable property which fell into our hands at that place, had we been delayed a few hours. In connection with the subject of his order, regarding the destruction of this property at Brazos Santiago, he remarked that we could infer what he would do with the Federal property at Fort Brown if forced to evacuate his post, that the U. S. troops in Texas were about 2800 strong, embracing all the arms in the service in their greatest perfection, well equipped and furnished in every particular, could go wherever they pleased, meaning, I suppose, they could march out of Texas, and Texans could not prevent them, and he expressed great confidence in the ability of the troops under his command to whip volunteers *three* to *one*. I told him I was not sent to banter or fight him, however much we differed in opinion on this subject. He made another allusion to the taking of Brazos Santiago and then was understood to say: "Gen. Nichols, I could have you arrested by civil authority for treason," to which I replied emphatically and in such a manner that Capt. Hill did not again allude to the subject.

He, however, remarked that although he could not recognize your commissioner officially yet he desired that he should address him a written communication relative to his mission to which he would reply in the same manner.

He desired to know if our demand of the command for the public property included his light battery and small arms, and was informed that whenever he recognized your commissioner and was ready to negotiate these matters would be considered.

He repeatedly stated to your commissioner that he regarded the taking of Brazos Santiago by the troops under Col. Ford as an act of war against the United States, and should he receive orders to leave the State without instructions as to what disposition he should make of the government property in his charge he would destroy it.

Your commissioner suggested to him that as there was no law contemplating such a contingency as now exists, he surely might exercise a wise discretion; but he expressed a determination to obey the orders of his government, whatever they were.

This closed our interview, and as requested I addressed him in substance the following communication on the 23rd Feby, 1861:

Capt. B. H. Hill, U. S. A.,
Commanding Fort Brown.

In compliance with your desire, expressed in our interview this morning, I now address you upon the subject of my mission.

The people of Texas, in Convention assembled, have delegated me to provide for the protection of the frontier, to receive all ordnance and munitions of war placed here and elsewhere on the frontier for such protection, to accomplish which a portion of the necessary force is here, believing that the Federal troops placed on this frontier would immediately be withdrawn upon the secession of Texas from the United States.

I am prepared to receive and receipt for all the property in your charge, placed here for the protection of this frontier by the Federal government. The Texas troops, under the command of Col. J. S. Ford, now here, came on a mission of peace, and I trust that no act of theirs or their officers will justify a hostile collision between them and the Federal troops. It is, however, necessary that our troops be stationed at once at the different posts on the frontier in order to give such protection to our citizens as may be required. Hence, the great necessity to be placed in immediate possession of all government property now here for that purpose.

Texas is virtually out of the Union. Her destiny has been fixed. Her people have spoken their sovereign will through the ballot box, and who will doubt for a moment that they are determined to maintain their free and independent nationality.

The troops placed here by the United States are now upon foreign soil; hence, the necessity of their speedy removal, and the surrender of all the Federal property under your charge. Business calls me back at an early period in order to receive and forward the balance of the troops destined for the protection of this frontier.

I will be pleased to receive an early answer from you, that I may carry back with me the gratifying intelligence to my people that there will be no collision between the authorities of the United States and those of Texas.

Very respectfully,
E. B. Nichols,
Commissioner.

To which the following reply was received:

Head Quar's, Fort Brown,
Texas, Feby 23, 1861.

Sir:

I have the honor to acknowledge the receipt of your communication of this date.

It will be impossible without instructions from my government to accede to your request to deliver into your possession the public property or any portion thereof at this place. In assuming that this property, "placed here," as you say, for the use of the State of Texas, becomes the property of the Republic of Texas upon the separation from the Federal government, you have raised a question, (upon which my government will doubtless take action in due season) but which in the mean while cannot effect [*sic*] my military duties or responsibilities. I take pleasure in reciprocating, personally, the courtesy and good will implied in your assurance that no act of the Texas troops in this vicinity "shall justify a hostile collision with the Federal troops;" further than this that assurance has no official weight or application, inasmuch as the said Texas troops, numbering several hundred, have already committed an act of hostility against the United States in seizing the public property at Brazos Santiago, dispossessing therefrom a guard of twelve U. S. soldiers, placed there for its protection.

I am sir, respectfully, your obd't serv't,

B. H. Hill,
Capt. and Act'g Com.

To Gen. E. B. Nichols, Com'r.

In view of the position assumed by Capt. Hill, Col Ford and myself held a conference to decide upon the course to be pursued, so as to prevent a collision before we could be reinforced, and considering the large number of U. S. troops on the Rio Grande, including both batteries of light artillery, with Brazos Santiago for their natural outlet, and being ignorant of the acts of our commissioners at San Antonio, we determined to dispatch an express to Corpus Christi to hurry forward the mounted men then on the way, and that I should return to Galveston with the *Gen. Rusk* and get as many more troops as she could bring to reinforce Lieut. Col. McLeod at Brazos Santiago.

Col. Ford, remaining at Brownsville, was indefatigable in his exertions to bring about an arrangement that should lead to a peaceable settlement of matters. If Capt. Hill contemplated an attack upon our troops, Col. Ford would have the earliest intelligence of it and proceed at once to Brazos Santiago to take command.

I found at Brazos Santiago the government property in charge of John L. Greer, an ordnance sergeant of the U. S. army, from whom I received the same and receipted for it on behalf of the State of Texas. I appointed J. L. Greer, (who had left the service of the United States,) an ordnance sergeant, and required of him a bond for the faithful performance of his duties as custodian of the public property, which bond is hereby submitted and marked exhibit B, also a report of the ordnance stores, shot, shell, fixed ammunition and other materials of war in his charge, marked exhibit C.

Lieut. Col. McLeod, at my request, ordered sergeant Greer to ship to Galveston such portion of these stores as were not needed for the defence of that point, which were consigned to Gen. Sidney Sherman, who will report the same to you.

On the 24th of Feby, after my return to Brownsville, I requested Lieut. Col. McLeod to detail Lieut. W. W. Reynolds, of the Lone Star Rifles, as regimental quartermaster. His fine business capacity, intelligence and promptness in details, highly recommended him to me, and his subsequent activity in the performance of his onerous duties has fully verified this opinion. I submit herewith his bond, marked exhibit D.

I left Lieut. Col. McLeod with his whole force actively engaged in fortifying his position. The men are in good spirits, with full rations, plenty of work, and contented to serve the cause by any means in their power.

I left Brazos Santiago in company with my secretary on the 25th for Galveston. I took four men from the command who were sick. We reached Galveston on the 26th. The Liberty company under the command of Capt. Williams tendered their services and were at once accepted and ordered to report on the 28th at Galveston. I telegraphed Col. Terry at Fort Bend, who had been selected to command the battalion of reinforcements, to be in readiness with a company from Brazoria and one from Houston, of 75 men each. The services of the Galveston Rifles, under the command of Capt. McKean, were also accepted.

General and battalion orders were, issued which will explain the plan of mustering and embarking the 2nd battalion. (See orders herewith transmitted):

General Orders.

Galveston, Feby 28th, 1861.

The reinforcements destined for the Rio Grande Military District, commanded by Col. John S. Ford, will take notice that I have appointed by authority of the "Convention of the people of Texas" the following battalion officers to command, until the reinforcements report to Col. Ford for further orders:

Col. B. F. Terry, Commanding,
Thos. M. Jack, Adjutant,
Charles Thompson, Quartermaster Commissary,

Clark Campbell, Surgeon,
Marcus Campbell, Assistant Surgeon,
Rev. J. E. Carnes, Chaplain.

The troops are to obey and respect the above named officers accordingly.

By order of the Convention.

E. B. Nichols,
Commissioner.

H. B. Waller, Secretary.

Galveston, Feby 28, 1861.

Battalion Order,
No. —

The friends of the troops at Brazos St. Iago, living in Galveston, are notified that Capt. Smith, of the steamship *General Rusk*, will receive packages, letters, etc., until 6 P. M. to-day.

The troops are expected to be on the wharf in readiness to embark at 7 P. M. The steamer will sail at 9 P. M. 75 men from Galveston, 75 from Fort Bend, 75 from Houston, and 75 from Liberty can only be received, and under no circumstances can any more be taken.

B. F. Terry, Commanding,
T. M. Jack, Adj't.

The following order, issued by Col. Ford, Feby 18th (inst.,) will be strictly enforced:

Head Quarters, Rio Grande Regiment,
Galveston, Feby 18th, 1861.

Orders
No. 2.

1. Capts. McLeod, Redwood, Davis and Nichols will place their resective commands in readiness to embark on board the steamer *Rusk* at 7 o'clock P. M., to-day.

2. Any improper and disorderly conduct, disobedience to orders, or drunkenness will be punished and is, therefore, strictly forbidden.

3. Commanders of companies will have this order read to their commands, on parade, previous to embarkation.

(Signed) John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

A special train had been engaged for the transportation of the troops to Galveston, and placed at Col. Terry's disposal at Houston. Col. Terry reached Houston at 6 P. M. with the Brazoria company, under command of Capt. Moseley, and finding there two incomplete companies, under the command of Capts. E. Waller and Donnelly, these companies were consolidated under the command of Capt. E. Waller, Capt. Donnelly entering the ranks as a private; the entire forces were then united under the command of Col. Terry, who brought them by railroad to Galveston. From there they were promptly embarked on the steamer *Gen. Rusk,* whose energetic commander had everything in readiness for sea, with the Liberty county and Galveston rifles already on board.

On the morning of the 1st of March, we crossed the bar at Galveston, and with a favorable run reached Brazos Santiago on the 2nd at 11 o'clock, A. M., where Col. Terry immediately reported his battalion to Lieut. Col. McLeod, and the whole command was consolidated into a regiment, Col. Terry accepting the Majority.

Your commissioner then found the relations existing between Col. Ford and the officers commanding the U. S. troops at Fort Brown unchanged. No other written correspondence had taken place between Col. Ford and the officers, subsequent to that between Capt. Hill and myself.

Lieut. Col. McLeod had completed the defence of Brazos Santiago, enclosing that post by a parapet for infantry, with bastions or redoubts at the angles for artillery. The fortification was as complete as could be made under the circumstances. A battery was then mounted, under the direction of Capt. Van Buren of the Galveston Artillery; a 24 pounder placed in each redoubt, with light guns and howitzers along the curtains. A picket guard of 30 cavalry was posted at Boco Chico Pass, under the command of Capt. Conner of the Fort Bend rifles. The horses were purchased on the island and adjacent ranches.

The pass was the only approach to the island, except by the harbor.

Such was the order and discipline observed with our troops that I feel confident we could have maintained our position, had Capt. Hill placed himself in a more belligerent attitude, and with double his number; our strength was then not only adequate to the protection of the place, but was competent to take the field. Events which had transpired in our national affairs had nerved every arm and determined every man of this force upon his individual course, in case there should be a conflict between us and the forces of the late United States.

On the 3rd of March, the steamer *Daniel Webster,* which had long been expected and known to have left New York on the 15th of Feby, arrived at the anchorage off the bar. It was doubtful whether her mission was one of peace or hostility. We had a right to infer from the course of the United States officers that it was hostility. Col. Ford had arrived at Brazos Santiago on the night of the 2nd, accompanied by an officer of the United States garrison, who desired to communicate with the *Webster,* but he was requested not to do so until we could ascertain her character and purpose. The *Webster* brought Maj. Porter, Ass't Adj't Gen. of the U. S. army, with two other officers, who were invited by your commissioner (he with Maj. Terry and Mr. Waller having boarded the *Webster*) to accompany him ashore. The conversation between Maj. Porter and myself induced me to hope that the purpose of the *Webster* was pacific, and the orders of Gen. Twiggs would be executed. Late in the afternoon Col. Ford, in company with Maj. Porter, passed to Point Isabel without landing at Brazos Santiago, from thence they proceeded to Brownsville that evening.

Leaving Lieut. Col. McLeod in command, your commissioner proceeded to Point Isabel with his secretary and Maj. Terry, where we arrived on the eve of the departure of Col. Ford and his friends.

On the evening of the 4th, I made a formal demand, through my secretary, on Col. F. W. Latham for the Federal property then in his possession, as collector of customs for the U. S. government in the Rio Grande district. This demand was promptly complied with, as will appear by his letter herewith accompanying and marked exhibit E. I then appointed Col. Latham agent of the State, taking his receipt for the property and his bond for the faithful return of the same, which bond is now in charge of Mr. Waller. Col. Latham then resumed charge of the property. His receipt is herewith transmitted and marked exhibit F.

On the same day I addressed a communication to Col. Ford, marked G. His reply thereto is marked H.

Maj. Terry, myself and secretary then returned to Lieut. Col. McLeod's quarters at Brazos Santiago, where we found the troops under great excitement in consequence of the firing of guns in the direction of Brownsville, which was believed to be in celebration of the inauguration of President Lincoln and a defiance of the State of Texas. Lieut. Col. McLeod, after vainly attempting to reason with the command who met him temperately but firmly with arguments he could not deny, called the captains together in his quarters, and in presence of your commissioner and Maj. Terry the subject was discussed and the subjoined letter to Col. Ford read, (an order to the same effect had been published on parade, and was received with cheers by the regiment). The officers approved the letter as a necessity of the situation, and stated they could only restrain their companies by a promise of explanation of the firing or immediate action. Your commissioner remembers the scene with feeling and, notwithstanding his responsibility, for a moment gave way to a resentment so just and unanimous among officers and men.

On the morning of the 5th, the *Arizona* arrived, and her captain failing to report himself to the commandant of the post, whose martial law prevailed, I felt it my duty to address a letter to the manager of the Southern Steamship company, herewith transmitted, marked exhibit J.

Col. Ford's reply came promptly by express, and the officers and men were called together to hear it. It was a brief statement of the emergency and the unavoidable difficulties of his position. Although he had not received official notification, he was hopeful of the retirement of the garrison. He concluded by ordering the return of the troops to their post, if they had been crossed over to the main land.

I determined to dispatch Maj. Terry and Mr. Waller to Brownsville to ascertain the condition of things, and end the suspense of the troops and myself. Maj. Terry was instructed, first, to make the observance of Genl. Twiggs' orders a *sine qua non,* and to request Col. Ford to so far bring matters to a close; if practicable, as to give a clue to the result of the mission.

On the 6th, sickness prevented me from discharging my official duties. The day following, however, I started to Brownsville, but missed Maj Terry who had taken a different road. I learned at Brownsville that Col. Ford had not communicated in writing with Capt. Hill, until Maj. Terry's arrival. Maj. Terry had urged Col. Ford to make a written demand, who had addressed a communication to Capt. Stoneman.

Maj. Terry, not finding your commissioner at Point Isabel, crossed to Brazos Santiago to communicate the substance of Col. Ford's correspondence with Capt. Stoneman to Lieut. Col. McLeod, and also to quiet the resentment of the troops.

That being effected, both these officers returned at once to Brownsvile to aid Col. Ford and your commissioner in the completion of the details, and arrange for the reorganization of the permanent force to remain with Col. Ford and the return of the troops who had gone down for the emergency only.

Your commissioner, on his arrival at Brownsville, found himself too much debilitated by the fatigue of the journey to transact business. Capt. Hill, being at Brownsville and hearing of my arrical and illness, called upon me. He spoke of the difficulty of his position, he being without orders and not authorized to recognize or know anything about secession or any State official not known to the pre-existing government. But now he was under marching orders and was gratified that matters had taken a pacific turn and that bloodshed would be avoided.

The continued ill health of your commissioner compelled him to abandon the active duties of his mission, and substitute his secretary Mr. Waller.

On the evening of the 10th, Col. Ford arrived and took command in person, Lieut. Col. McLeod and Maj. Terry having reorganized the command as indicated above.

Your commissioner returned with the field officers to the steamer *Rusk,* and on the next day, the 13th, the troops destined for Galveston were marched on board, excepting the Liberty company, which was to be brought by the schooner *Shark.*

At Brazos Santiago I formally appointed Mr. Waller my agent to execute the powers entrusted to me by your committee, so far as the business was unfinished. (See instruction to him marked exhibit K.)

Before sailing from Brazos Santiago, Capt. Smith, of the *Gen. Rusk,* chartered his ship to Maj. Porter, Ass't Adj't Gen. U. S. A., to aid in the removal of the United States troops from the Rio Grande valley.

The steamer *Gen. Rusk* arrived at Galveston on the morning of the 15th. The troops belonging to Harris and Fort Bend counties left on the morning train for their homes, under Maj. Terry's command. Capt. Moseley's company, of Brazoria, left on the Houston steamer the same evening, for their homes.

On the 15th, I wrote to Mr. J. C. Harris, manager of the Southern Steamship company, a letter herewith transmitted, marked L. His reply thereto is also submitted, marked exhibit M.

On the 16th, I dispatched by the steamer *Rusk* to Col. Ford a communication of which the following is a copy:

Galveston, March 16th, 1861.

Col. J. S. Ford,
Comd'g Rio Grande Mil. Dist.

Sir:

As commissioner for the State of Texas, with more ample information of the public necessity in this quarter and of the views of the Convention than when we parted on the 13th inst. at Brazos Santiago, I now write to inform you that all public property, not needed for the active defence of the Rio Grande valley and its outlets, should be immediately removed to points where it is required or may be easily protected. Four 24 pounders, with one mortar and one howitzer, with 100 shot and shell for each gun, and a proper proportion of ammunition will suffice. A proper supply of rifle ammunition for your command will be at your discretion.

The ordnance guns, shot, shell and fixed ammunition will be shipped to Galveston and reported to Gen. Sherman, who is in charge by authority of the Convention. The quartermaster trains and all surplus company wagons and cavalry horses and equipments not required for the use of your command and all surplus movable property will be turned over to Mr. Waller for transportation to San Antonio, where the means of public storage are ample. San Antonio is the proper depot, as it has been heretofore, for the concentration and outfit of troops for the western frontier defence.

The policy to be pursued towards Mexico will be indicated to you through our State Convention, or by the Southern congress at an early day.

I have been too unwell to attend to the buying of corn, but will do so in time for the schooner *Shark* which, I trust, when she returns to you, will be promptly dispatched with a full cargo, and have on board a battery of guns for the use of the Galveston Artillery company.

The enclosed communication from Gen. Sherman will inform you of the preparations that are or will immediately be made for the safe keeping of all the State property shipped here.

For late news I refer you to files of papers.

Very respectfully your obd't serv't,
E. B. Nichols,
Commissioner.

On the 22nd of Feby, while at Brownsville, I sent a dispatch to be forwarded by telegraph from New Orleans, giving information to the Southern congress through our delegation there of the progress of my mission in the valley of the Rio Grande. I also sent dispatches from Galveston on the 25th ult. and the 15th of March, relative to the same subject, and on the 16th wrote at length.

On the 17th March, the schooner *Shark* arrived at Galveston, bringing the Liberty company. By the return of the *Shark* I dispatched to Col. Ford 500 sacks of corn and 500 of oats, he having made a requisition for the same. I also forwarded by the *Shark* the following order to Sergeant Greer:

Jno. L. Greer,
Ord. Serg't, Texas Army.

You will immediately upon the receipt of this, ship upon the schooner *Shark* and also upon the schooner which will carry oil for the lighthouse, both of which vessels are instructed to report to you for that purpose, all the guns of all calibres, including siege guns, mortars, howitzers, field guns and their carriages, as far as they have any there, travelling forges, battery wagons, caisons, chassis, shot, shell, fixed ammunition and all other military material and property not required for the outfit and active service of Col. Ford's command. The invoice furnished by yourself to me will give you the details of property at Brazos Santiago, and Mr. Waller, who holds my power of attorney as agent of the Convention, will turn over the military stores he receives at Fort Brown.

Having completed the shipment of the property, you will report in person to Capt. W. H. Stephens, Engineer, Texas army, at this place, for duty.

E. B. Nichols,
Commissioner for Texas.

The accounts and vouchers herewith submitted, (see exhibit N,) show that your financial agent borrowed on the faith of the State the sum of $58,556.81, for which he issued certificates in form as heretofore reported to the order of the parties named in the account as having furnished the money. $7,741.50 was used by your committee and accounted for. About $20,000 paid for transportation, ordnance and ordnance stores; $20,815.31, in quartermaster and commissary stores and cash to the quartermaster's department, including $3,000 to Mr. Waller to defray the expenses of the transportation train to San Antonio.

There are still some unsettled accounts for the transportation of the troops from Liberty and Brazoria counties, to and from their homes. There is a balance due the steamboat *Union* and schooner *Shark*, amounting in all to about $2,000.

I would call the attention of the committee to the circumstances of raising money to carry out the views of the Convention. At the time I received the appointment as your commissioner and financial agent, there was a great monetary depression throughout the country and, owing to the unsettled condition of our national affairs, I was in some instances compelled to give my personal security before I could obtain the means necessary to carry out the contemplated objects of my mission. Many considered the undertaking too experimental, however great their patriotism, to give their aid in money.

Your assurances induced me to make strong personal representations in procuring this money that it would be returned immediately upon the reassembling of the State legislature. These circumstances, and the sacredness of this debt, I earnestly hope will be impressed upon the minds of your committee and the legislature of the State.

I cannot conclude without recommending to your kind consideration H. B. Waller, Esq., the secretary of the commission, who not only discharged with fidelity and zeal the duty of the position assigned him, but whose eminent legal ability rendered him indispensible to the commission.

Thanking the Convention for the trust reposed in me, I hope my acts in the discharge of the duties incumbent on me will be satisfactory to you and meet the approbation of my fellow citizens.

Respectfully submitted,

E. B. Nichols,

Commissioner and Financial Agent for the State of Texas.

Exhibits to above Report.

(Exhibit A.)

This article of agreement, between the State of Texas and the Southern Steamship Company of New Orleans, witnesseth:

Firstly, That the said Southern Steamship Company does charter to the State of Texas the steamship *Gen. Rusk* for the purpose of making one trip from Galveston to Brazos St. Iago and back to Galveston; said charter to commence from the time the steamer is reported ready to commence the service, and to terminate when the steamer shall have arrived at Galveston on her return and shall have been delivered back by the State of Texas. The company is to furnish water and fuel for all parties on board, and cabin fare for 40 or 50 officers. The charter is for the term of ten days or less; but, should the State detain or hold the steamer in the service over the ten days specified, then the State of Texas agrees to pay to the Southern Steamship Company $500 per day for every such day of detention in excess of the specified ten days. The steamer is to be under the charge of her present officers. Should the steamer *Arizona* be detained on her voyage, to accommodate the State of Texas, the State of Texas hereby agrees to pay to the Southern Steamship Company five hundred dollars per day for every such day of detention.

Secondly, That the State of Texas hereby agrees: for and in consideration of the faithful performance of the obligations hereinbefore set forth to pay for the charter of the steamer *Gen. Rusk* the sum of $5,000 and to deliver the said steamer *Gen. Rusk* back to the said Southern Steamship Company, or its officers, safely and in good order at the port of Galveston, Texas, the usual sea risk while engaged in the voyage excepted.

Thus done and passed, in the city of New Orleans, State of Louisiana, this 13th day of Feby, A. D., 1861.

E. B. Nichols,
Commissioner and Financial Agent of the State of Texas.
Southern Steamship Co.
J. C. Harris, Pres't.

Witnesses:
Maurice Lenihan,
Jno. B. Heno.

(Exhibit B.)

The State of Texas }
County of Cameron }

Know all men by these presents that we, John L. Greer, as principal, and F. W. Latham and Dan A. Connor, as sureties, are held and firmly bound unto the State of Texas in the sum of $1000, for the payment of which well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents:

Witness our hands, this 21st day of Feby, 1861.

The condition of the above bond is such that whereas the above bounden John L. Greer has been this day appointed sergeant of ordnance at Brazos Santiago,

Now, if the said John L. Greer shall well and truly discharge the duties incumbent on him as such sergeant of ordnance, then this bond to be null and void, otherwise to remain in full force and virtue.

Witness our hands, this the day and date first before written.

John L. Greer,
Dan. A. Connor.

(Exhibit C.)

Invoice of ordnance and ordnance stores this day turned over by J. Greer, Ordnance Sergeant, U. S. A., to Gen. E. B. Nichols, Texas Army.

3	24 pounders, brass howitzers,
12	24 pounders, iron siege guns,
8	8 in. Howitzers, (iron siege,)
4	10 in. Mortars,
4	12 lbs. Field Limbers.
1	24 lbs. Howitzer field stock-trail,
2	32 lb. Limbers, for 32 lb. Howitzers,
4	12 prs. Cassons,
2	32 Do.
1	Traveling forge,
1	Battery wagon,
4	24 prs. Barbette carriages,
4	24 prs. Chassis,
15	24 prs. (or 8 in.) Howitzer siege carriages,
3	10 in. Motar beds,
3	Filling axes,
40	Spunge buckets, (wood,)
34	Tar buckets, (iron,)
16	Breach sights for cannon,
33	Budge barrels,
45	Cannon locks,

6	Cannon spikes,
8	Chocks for Barbette carriages,
21	Do " " wheels,
12	Drag ropes,
92	Eye pins or bolts,
5	Fuze augurs,
3	Do extractors,
1	Do cutter,
4	Do gimlets,
40	Do mallets,
20	Do plug reamers,
6	Do rasps,
11	Do saws,
34	Do setters, (brass,)
10	Gimlets, (common,)
2	Gunner's callipers,
39	Do gimlets,
31	Do haversacks,
1	Do level,
1	Do quadrant, (brass,)
20	Do Do (wood)
2	Grates for hot shot,
4	Forks " " "
18	Grain bags,
8	handspikes, trail,
8	Do for 24 lbs. Howitzers,
18	Do " " " maneuvering,
50	Handspikes, short,
42	Do long,
6	Do shod,
12	Nose bags,
52	Implement stakes,
4	Ladles for hot shot,
6	Do " 24 lbs. guns,
7	Lanterns, (dark,)
9	Do (common,)
112	Lanyards, (assorted,)
4	Lead aprons,
14	Len stocks,
16	Loading tongs,
14	Lock covers, (leather,)
30	Mauls,
4	Pick axes,
12	Pairs boxes,
3	Plummets,
16	Pointing stakes,
8	Do wires,
4	Pokers for hot shot,
4	Port-firer cases,
4	Do shears,
17	Do stocks,
14	Powder funnels, (copper,)
10	Do measures,
19	Priming horns,
86	Do wires,
6	Priming wires, (field service,)
10	Prolonges,
48	Rammers and staves for 24 pounders,
2	Do Do hot shot,
2	Rakes Do.
2	Shell hooks,
77	Securing stakes,
1	Scraper,
2	Do for 24 pounders, guns,
3	Do Motars,
2	Do 8 in. Howitzers,
6	Shell hooks, (double,)
5	Do plug screws,
300	Do splints,
40	Sponge covers, (24 pounders.)
15	Do (8 in. Howitzers.)
6	Do woolen (12 pounders.)
1	Do and rammer, (24 lbs., Howitzer,)
20	Do Do (8 in. Howitzer,)
1	Do Do (12 lbs., guns,)
45	Sponges and staves, (24 pdrs., guns,)
3	Ladles and worm,
5	Tangent scales, (12 pdrs., guns,)
2	Do (24 " Howitzers,)
2	Do (32 " Howitzers,)
35	Thumb-stalls,
19	Tompions with straps, (for 8 in. Howitzers,)
12	Do for 24 pdrs, guns,
8	Do " 12 " "
2	Tompions for 32 pdrs., howitzers,
2	Tongs for hot shot,
15	Tow hooks,
13	Tube pouches,
13	Vent pouches,
3	Worms and staves for siege and garrison,
950	24 pounder balls,
1200	18 " "
506	12 " "
1776	8 in. howitzer shell,
814	10 in. Mortar,
800	12 pdrs., (for 12 pdrs., guns) fixed shot,
615	6 pdrs., (for 6 pdrs., guns) fixed shot,
200	12 pdrs. sphl. case shot,
106	24 " howitzer sphl. case,
128	12 gun canister,
140	6 " "
36	24 pdrs., gun grape,
22	12 " " "
8	Cavalry sabres,
200	24 pdrs., howitzer cartridges, (small charge)
50	24 pdrs., howitzer cartridges, (large charge)
153	12 pdrs. gun cartridges.
297	18 Do Do Do
4960	Musket B. and B. Do

12000	Rifle ball cartridges
11500	Pistol ball percussion cartridge,
27244	Colt's " "
500	12 pdrs. cartridge bags, (flannel,)
2133	24 Do " "
400	6 Do " "
1720	8 in. Howitzers "
720	Fuzes for 10 in. mortars,
2210	" plugs for 8 in. shells,
80	" wood 24 pdrs., sphr. case shot,
370	" papers, (assorted,)
650	" plugs for 8 in. spherical case shot,
22290	Percussion caps for small arms,
1244	Port-fires,
1416	lbs. of quick match,
823½	" slow "
50	Yards Do
2	Ammunition chests,
2	Capes, squares,
25	Fellies for field carriages,
15	Keys for ammunition chests,
25	Linch pins,
16	Leading bars,
3	Pad locks,
123	Nuts, (assorted.)
8	Nave bands, (developed,)
10	Lbs. copper nails,
4	Spare poles,
1	Pintle hook,
8	Pintle crosses,
1	Pole prop, locket and ring,
14	Quoins for 8 in. Howitzers,
6	Do " 10 " Mortars,
1	Stock for caissons,
1	Do battery wagon, (ironed,)
40	Spokes, (filled,)
40	Fire-bolts,
4	Do bands,
16	Washers for axletree, linch,
4	Do " " shoulder,
44	Do nuts and bolts, (heads,)
6	Spare wheels,
14	12 pdrs. rammer heads,
14	Do sponge Do
12	Halter chains,
135	Lbs. of pig lead,
3	" emery,
48	Blocks,
1	Gin block, (iron).
1	Treble block,
1	Double Do
3	Lifting Do
18	Half Do
6	Quarter Do
250	Deck plank,
1	Garrison gin,
2	Field and siege gin,
4	Do Do falls,
2	Garrison Gin Do
12	Gin chocks,
2	Single block for F. & G., gin,
2	Field and gin hand spikes,
4	Garrison " "
9	Jack screws,
760	Lbs. No. 2 laboratory paper,
6	Long rollers,
9	Short Do
6	Half Do
1	Hand sling cart, (iron,)
38	Sleepers for platform,
3	Shifting planks,
6	Skids;
4	Trunnion loops,
6	Slings for cannon,
3	Lbs. of cartridge thread,
7	Do shoe "
11	Do twine,
15	Do white hemp rope,
36	Buckles for harness,
2	Lbs. of copper tacks,
250	Do horse shoes,
50	Do " " nails,
10-12	Cross wood screws,
324	Lbs. cut nails,
10	" cast steel nails,
10	" steel blister,
200	" bar iron,
5½	" bees wax,
3	Lbs. black wax,
25	" tallow,
4	Ounces of Bristol, Do,
½	Side of leather, (harness,)
2	Do " " (bridle,)
10	Gals. coal tar,
3	Do linseed oil,
5	Do neatsfoot,
25	Lbs. olive paint,
5	" black "
10	" putty,
2	Gallons spirits turpentine,
1½	Quires of envelope paper,
11	Do letter
11	Do cap
60	No. of envelopes,
7½	Gross steel pens,
2	Lead pencils,
11	Pieces of office tape,
1¼	Bottles of black ink,
2	Ordnance manuals, (1850,)
2	Do regulations, (1839,)
1	Do Do , (1852,)
1	Carpenter's adze,
2	Leather aprons,
1	Smith's anvil,
3	Screw augurs.
2	Brad awls,
1	Brad awl handle,
1	Do strap.
1	Broad axe,
17	Assorted bits,
10	Boxes for battery working tools,

1 Buttress,
2 Hob chisels,
2 Claw nails,
1 Do tools (saddlers)
1 Compass, (common)
1 Calliper,
1 Saddler's creasers,
2 Smith's Do
8 Lbs. chalk,
5 Chalk lines,
2 Die stocks,
8 Pairs dies, (assorted)
12 File handles,
4 Wrought files for wood,
1 Fullers,
1 Grindstone,
7 Smith's hammers, (assorted)
1 Saddler's Do.
3 Handles for augurs,
2 Hardies,
3 Heading tools, (assorted,)
2 Clenching irons,
2 Mallets,
100 Saddler's needles, (assorted,)
1 Oil stone,
2 Putty knives,
8 Smith's punches, (assorted)
2 Do pokers,
3 Pritchees,
2 Plane irons,
2 Two foot carpenter's rules,
2 Smith's shovels,
1 Do short handle,
4 Screw drivers,
2 Iron squares,
1 Do bevel,
1 Do trying,
1 Saw frame,
1 Do fenon,
2 Do setts,
4 Spotulds,
6 Spades,
1 Spoke shave,
1 Shoeing knife, (frog)
1 Saddle's Do (half round)
5 Smith's tongs, assorted,
4 Scythe stones,
1 Fire cirdle,
9 Taps plugs,
10 Do (assorted)
4 Thimbles,
2 Hand vices,
1 Bevel v'ce,
1 Bench vice,
6 Wrenches, wreck and screw,
6 Do common,
2 Do taps, 4 holes,
2 Boxes for tubes, (black walnut)
297 Packing boxes, (assorted)
18 Do baskets,
30 Powder barrels,
2 " ½ "
2 Kegs for tallow,
9 Tin canisters, (assorted)

John L. Greer,
Ordnance Sergeant, U. S. A.

(Exhibit D.)

The State of Texas }
County of Cameron }

Know all men by these presents that we, Wm. W. Reynolds, as principal, and E. B. Nichols and Hugh McLeod, as sureties, are held and firmly bound unto the State of Texas, in the full sum of $10,000, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, and each of our heirs and administrators, jointly and severally, firmly by these presents.

Witness our hands, this 24th day of Feby, 1861.

The condition of the above bond is such that whereas the above bounden Wm. W. Reynolds has this day been appointed by Gen. E. B. Nichols, commissioner for the State of Texas, quartermaster to receive and take charge of the government stores and supplies now on Brazos Island, and to enter into the duties of such quartermaster, and to report to Col. John S. Ford, commander of the military department of the Rio-Grande,

Now, if the said Wm. W. Reynolds shall well and truly discharge all the duties incumbent upon him as such quartermaster, and faithfully take care of said property placed in his hands as such quartermaster and justly and truly account to the State of Texas, through the properly constituted authorities, for all such property, then this bond to be null and void and of no effect whatever, otherwise to remain in full force and virtue.

Witness our hands, this the day and date first before written.

W. W. Reynolds,
E. B. Nichols,
H. McLeod.

(Exhibit E.)

Customhouse, Point Isabel, Texas,
Collector's office, March 2nd, 1861.

Sir:

Your communication of this date, demanding of me the property belonging to the Federal government in my possession as collector of the customs for the district of Brazos de Santiago, is received. The demand being made in the name of the sovereign people of the State of Texas, supported by an irresistible State military force, and no mode of resisting. I accede to your demand and will deliver to you on a proper receipt therefor all the property in my possession belonging to the Federal government at such time as you may designate. It may not be improper for me to state that I have tendered my resignation to take effect March 4th, 1861.

Respectfully yours,
F. W. Latham.

Gen. E. B. Nichols,
Commissioner for the State of Texas.

(Exhibit F.)

Received, Point Isabel, March 4th, 1861, of E. B. Nichols, Esq., Com'r, etc., for the State of Texas, the following property, located at the port of Point Isabel, Texas, viz:

2 Large walnut desks, (sitting)
1 " " " (standing)
1 Large maple table,
1 Copying press,
1 Official seal,
1 Seal press,
1 Book case,
1 Post office balance,
2 Large iron safes,
1 Clock,
1 High chair,
1 Letter rack,
3 Calenders,
1 Spy glass,

11 Bound vols., decisions of Secretary under revenue laws,
2 Copies tariff, 1846,
1 Light-house regulations,
1 Regulations under revenue laws, 1857,
1 Coast survey, 1852,
Reports of fiscal department,
Copying bowl and brush,
1 Holy bible,
2 Tin paper cutters,
7 Pair scissors,
1 Tariff, 1857,
3 Pen racks,

10 Paper weights,
Pen Brush,
3 ink stands,
4 Rulers,
1 Tape measure,
13 Bound vols., U. S. laws, 1789 to 1858,
1 Gordon's Digest,
1 Do compilation of revenue laws,
1 Mayo's fiscal department,
2 Sand boxes,
1 Lot coast charts,
1 Walnut standing desk, (bond clerk's)
1 Do Do bench,
1 Do table,
2 Book rests,
2 Paper weights,
1 Paper cutter,
1 Ink stand,
2 Rulers,
1 Stool,
1 Foot bench,
1 Standing poplar desk,
1 Inkstand,
1 New stove and pipe,
1 Walnut table,
2 Inkstands,
1 Paper cutter,
1 Ruler,
1 Gauge,
1 Paper case of poplar,
1 Red cedar case,
1 Poplar desk and bench,
1 Foot bench,
1 Walnut table,
1 Book rest and inkstand,
1 Pen rack,
4 Paper weights,
1 Book-keeper's desk,
1 Inkstand,
2 Paper weights,
1 Sand box,
2 Book rests,
2 Rulers,
1 Thermometer,
1 Paper case,
1 Stool,
1 Foot bench,
1 Set large scales, (complete)
6 Walnut and poplar tables,
12 Chairs,
1 Small iron life boat, complete, (Francis)
1 Inkstand, (storekeeper's)
2 Rulers,
1 Tin paper cutter,
1 Measuring stick,
1 Expeditious calculator,
2 Common desks,
2 Paper weights,
1 Book rest,
1 Pen rack,
1 Large building used for warehouses and offices,
1 Large building used by collector,
1 Large building used by clerks,
1 Small building used by messenger,
4 Cypress cisterns.

F. W. Latham.

(Exhibit G.)

(Copy.)

Point Isabel, March 4th, 1861.

Col. John S. Ford,
Com. Rio Grande Mil. Dist.

Sir:

Presuming you had your own good reasons for your hasty departure yesterday evening, I am at a loss to know what course to pursue. From Mr. Kingsbury I learn that the U. S. property will be turned over in due time. You know my wishes respecting the treatment the U. S. officers are to receive at our hands as the representatives of the State of Texas, and my idea is that we should be governed by their wishes and avail ourselves of their experience and judgment in carrying out this important mission.

I feel (and cannot divest myself of it) that we have an interest in the old U. S. A. It is composed of a part and parcel of us, and as we are friends and kin I beg you will continue to exercise your good judgment in the direction you have been doing.

I now take it for granted that we are to have no trouble, and as my mission is about to terminate I would call your attention to the fact that your command as now organized can not be kept together after the fact becomes known that the war is at an end. I brought my company with the express understanding that they would be ordered home the moment you could spare them; several other companies occupy the same position.

I shall return to the island to-day to make arrangements to be with you to-morrow unless you direct otherwise with a view of continuing on the northern boundary of your line, and then on to Austin where I shall settle my accounts with the Convention and make my final report.

Yours respectfully,
E. B. Nichols,
Commissioner.

(Exhibit H.)

Brownsville, March 5th, 1861.

General,

All parties have been expecting you here. I came by your request. I have taken no steps with regard to the property because that would be trenching on your powers. The officers say they will go off on the *Webster*. I understand they will move five companies.

Maj. Porter said late yesterday evening that he would be obliged if the Texas forces, or any portion of them, were not placed on the Rio Grande, so as to be near the U. S. troops when they shall pass. He is extremely anxious to avoid all chances of collision and appears desirous to preserve peace.

We must not by any act of ours saddle the responsibility of making a civil war upon Texas or the South. The North must be made to shoulder everything of that sort. Please to communicate this to Lieut. Col. McLeod and tell him to see to it.

I shall await your arrival until to-morrow evening, and then, if nothing prevents, I shall return to the Brazos.

A peaceful and conciliatory spirit seems to prevail among the officers of the army, and I hope all will go well. Make my respects to all.

Respectfully yours,
John S. Ford,
Col. Comd'g Rio Grande Mil. Dist.

Gen. E. B. Nichols,
Commissioner, etc.

(Exhibit I.)

Head Quar's, Rio Grande Reg't, Texas Army,
Brazos Santiago, March 4, 1861.

Colonel,

The firing at Brownsville has been heard here and has excited this command. The troops interpret it as a menace. You know their character. Many of the privates are planters and professional gentlemen of wealth. They represent the intelligence and chivalry of the planting and commercial region of the State. The whole command, even those who live by their daily labor at home, hold the same language. They all came to save its honor at the peril of life. They feel that a salute fired by the garrison at Fort Brown, on the day of Lincoln's inauguration, dishonors this command and through them the State of Texas. They know that the insult is only aggravated by the fact that their commanding general has acknowledged the authority of the State, as expressed through the committee of Public Safety of the Convention, and issued public orders for their retirement from our territory, and they—our officers and men—express their determination with a spirit which my own feelings and judgment do not permit me to repress.

But this is not my own judgment alone. It is concurred in by the field officers present, Maj. Terry, and above us both by the commissioner of the Convention, Gen. Nichols. They are with me while I write.

I now beg that you will reply by Capt. Conner of the Fort Bend Rifles, who carries this communication, that the firing of to-day is not of an insulting or hostile character to the State, or your regiment will be in full march on to-morrow to settle the question with the U. S. troops in the field.

With high respect,
H. McLeod,
Lieut. Col. Com., Post.

To Col. J. S. Ford, T. A.,
Brownsville
(A copy)
J. E. Love, Adj't.

(Exhibit J.)

(Copy.)

Brazos Santiago, March 5th, 1861.

To J. C. Harris, Presd't,
S. S. S. Co., New Orleans,

Sir:

I intended to advise you that as anticipated and agreed upon by us, my State requires the use of your ship longer than provided for in the charter. I have been too much occupied to do so, but I am now called upon to report an outrage committed by Capt. Smith of the *Arizona*, which cannot be overlooked.

He arrived in port and left in a few minutes with his passengers, mail, etc., without even reporting to Col. McLeod, commanding this post, or to me, nor did he have the courtesy even to send Col. McLeod a newspaper.

Important events are transpiring; it is reported that Gen. Twiggs has been disgraced. I fear Capt. Smith has committed a fatal error. I shall request Col. Ford, who is hourly expected, to arrest and iron him, and but for my knowledge of your political sentiments and those of my much esteemed friend Mr. Morgan and your stockholders, your handsome treatment to me as the agent of Texas, and the fact that the *Arizona* comes to us with the flag of Louisiana at her main, for which I give you credit, and not Capt. Smith, supposing that it was done by your orders, which flag one of our batteries on shore is now saluting, and but for which I should feel bound to require Col. McLeod to take possession of her.

Truly yours,
E. B. Nichols,
Commissioner.

(Exhibit K.)

(Copy.)

Instructions to H. B. Waller.

Brazos Santiago, March 13, 1861.

Sir:

In carrying out the purposes of the power of attorney to act as my agent, you will keep always in view that the preservation of the property turned over by the U. S. government is of the greatest importance to the State.

You will, therefore, after filling the requisitions of Col. Ford for such material and transportation as may be necessary for the efficiency of his command, at once proceed to make up a train of all valuable military stores, not needed for the use of the troops in this valley, and order it to proceed by the most practicable route to San Antonio. In case of difficulty with Mexico, the public property will be in danger from vagabond forays, organized on the other side of the river for plunder, like the late one of Cortina. The reinforcements to enable Col. Ford to repel such assaults must come from San Antonio and beyond. That point would, therefore, be the proper rendezvous, and the transportation and military stores would be both secure and available at that place. In addition to these reasons, the quartermaster's depot at San Antonio will furnish ample and safe storage for all the property.

E. B. Nichols,
Commissioner.

(Exhibit L.)

Galveston, March 15th, 1861.

Mr. J. C. Harris, Manager,
S. S. S. Co., New Orleans.
Sir:

I had this pleasure last, at Brazos Santiago, on the 5th inst., when it was believed the officers in command of the U. S. troops at Fort Brown would not observe the agreement between Gen. Twiggs and the Texas commissioners, and at the moment the rumor of Gen. Twiggs having been stricken from the roll of army officers and disgraced was read to me from the *Delta*, but, as matters did not terminate as seriously as I then anticipated, I did not require Lieut. Col. McLeod to arrest Capt. Smith, who I hope meant no disrespect to Texas.

Important dispatches I forwarded by Capt. Smith on his previous voyage have never reached their destination, so far as I know. One was to Col. Herbert of your army, and another to the Texas delegation at Montgomery. I have had the services of your steamer *Rusk* for, I believe, 28 days, at $500 per day, for which I will settle with you in due time. I could not carry out the object of my mission to the Rio Grande without chartering rather requesting Capt. Smith of the *Rusk* to charter his ship to the United States, as her charter party, sent you by Capt. Smith. Maj. Porter assured me that he was provided with cash to pay the charter at Key West. You will observe that the charter provides for the payment to be made to Capt. Smith, or to your authorized agent.

You will, therefore, give the necessary directions respecting it. Trusting that my action will meet your approval, I am, very respectfully,

E. B. Nichols,
Commissioner.

(Exhibit M.)

Office of the Southern Steamship Co.,
New Orleans, March 18th, 1861.

E. B. Nichols, Esq.,
Commissioner and Financial Agent of the State of Texas.
Dear Sir:

Your favors, 5th and 15th inst., are at hand. I am pleased to know that the expedition to Brazos has terminated so favorable for the State of Texas. I regret, however, that you should have counselled Capt. Smith to charter the *Gen. Rusk* for the purpose of conveying troops to Florida, as I fear it may be construed by parties not understanding the case as a willingness on my part to aid in reinforcing Federal garrisons. If, however, as you state, it was part of your policy, thus to dispose of U. S. troops, I am content and trust should any question of my action in this case arise you will put to rest any imputations that may be cast upon my fealty to the South.

I have now to notify you that the State of Texas is charged on the books of the Southern Steamship Company with 28 days service of the steamer *Gen. Rusk*, from morning of 16th of Feby to night of 15th of March, at $500 per day,

of March, at $500 per day,	$14,000.00
With towing schooner *Shark* to Brazos,	500.00
With 250 bbls. coal,	250.00
	$14,750.00

Respectfully yours,
J. C. Harris,
Manager.

(Exhibit N.)

The State of Texas in account with E. B. Nichols, Commissioner and Financial Agent.

1861.			Debits.		Voucher.	
Feby	13.	To	paid Fiquet & Bouvet's	Bill,	1	$ 83.50
"		"	J. H. & J. N. Marks	"	2	1,248.70
"		"	Jas. Connoly & Co.	"	3	4,478.40
"		"	State La., Bill of caps	"	4	50.00
	15	"	E. H. Letchford & Co.	"	5	1,570.00
"	18	"	J. C. Robertson, cash	"	6	10,000.00
"		"	W. Richardson, bill		7	11.75
"	20	"	A. Blum & Bros.	"	8	63.00
"	27	"	Ladd & Emory	"	9	354.63
"		"	J. W. Franks	"	10	79.50
"		"	E. L. Ufford	"	11	166.50
"		"	E. B. Nichols & Co.	"	12	58.71
"		"	Antonio Morgan's	"	13	38.75
"		"	A. Blum & Bros.	"	14	196.80
"		"	E. B. Nichols & Co.	"	15	505.47
"		"	G. Opperman & Co.	"	16	611.50
"		"	Block & Dean's	"	17	581.02
"		"	Thos. Ellis'	"	18	113.00
"		"	John Westcott's	"	19	34.50
"		"	Anton Miller's	"	20	14.00
"		"	A. Ball's	"	21	24.00
"		"	Lippman Koppre	"	22	141.00
"		"	H. Rosenberg	"	23	500.00
"		"	Von Harten & Nieboun	"	24	150.54
"	28	"	J. T. Ware's	"	25	1,545.67
"		"	Gustave Jenney's	"	26	140.20
"		"	F. Hitchcock & Co.	"	27	49.75

Mar. 2.	To Geo Schneider	Bill	28	29.45
“	“ Briggs & Yard	“	29	228.40
“	“ A. Blum & Bros.	“	30	40.00
“	“ Do	“	31	83.25
“	“ H. C. L. Aschoff	“	32	30.20
“	“ Do	“	33	87.40
“	“ Do	“	34	145.20
“	“ L. H. Wood & Co.	“	35	258.45
“	“ Do	“	36	101.75
“	“ E. B. Nichols & Co.	“	37	63.88
Mar. 16.	“ J. Buckley's	“	38	139.50
“	“ C. L. Beisner's	“	39	50.75
“	“ Howard & Burkhardt's	“	40	378.50
“	“ Root & Davis	“	41	180.75
“	“ E. L. Ufford's	“	42	28.50
“	“ C. Angelini	“	43	14.25
“	“ W. Kennedy	“	44	2,000.00
“	“ Texas Telegraph Co.	“	45	3.35
“	“ C. Neederhoefer	“	46	20.60
“	“ Shergory's	“	47	60.25
“	“ A. Champion	“	48	120.00
“	“ N. Champion	“	49	20.00
“	“ Steamer Neptune	“	50	108.00
“	“ J. P. Davis	“	51	1,037.02
“	“ T. W. Bunker, pilotage,	“	52	69.00
“	“ Do services,	“	53	50.00
“	“ Jno. S. Ford	“	54	300.00
“	“ Lieut. Col. H. McLeod	“	55	10.00
“	“ H. B. Waller	“	56	3,000.00
Mar. 16.	To W. W. Reynolds	Bill	57	3,000.00
“	“ Do	“	58	1,000.00
“	“ Bal. acct Leon Smith's	“	59	962.67
“	“ Adj't Love for Col. Ford	“	60	900.00
“	“ Kaufman and Klaener's	“	61	30.25
“	“ Lt. Col. McLeod	“	62	30.00
“	“ Capt. Geo. Patterson	“	63	75.00
“	“ Armstrong & Bros.	“	64	19.00
“	“ American Telegraph Co.	“	65	17.20
“ 18	“ C. E. Thompson, Coms.	“	66	5.00
“	“ Anton Miller's drayage	“	67	17.00
“	“ Southwestern Express Co.	“	68	2.50
“	“ T. B. Stubbs & Co.	“	69	111.61
19	“ G. H. & H. R. R. Co's.	“	70	876.50
“	“ T. C. Shearer & Co.	“	71	2,172.16
“	“ E. S. Woods	“	72	99.42
“	“ J. P. Davis	“	73	11.00
“	“ S. T. Fontaine	“	74	10.00
“	“ Jas. Connoley & Co.	“	75	706.01
“	“ Schooner *Shark* 1 mo.	“	76	925.00
“	“ D. Neil	“	77	143.75
“	“ C. L. Beisner	“	78	100.00
23	“ E. B. Nichols	“	79	408.00
“	“ J. C. Harris, Manager	“	80	14,905.40
“	“ Diana's bill trans. troops	“	81	86.00
“	“ B. B. B. & C. R. R. Co.	“	82	174.00
“	“ L. M. Hitchcock	“	83	300.00
				$58,556.81
Mar. 23.	To balance due in cash,			$ 3,209.16

1861. Credits.

Feby. 13.	By cash from Citizens Bank, N. O.,	$10,000.00
“	By cash from E. B. Nichols' endorsement La. State Bank,	10,000.00

"	By cash from W. H. Leitchfield & Co., N. O.,	1,570.00
"	By cash from Jas. Connoly & Co., N. O.,	2,500.00
21	" " Wm. Hendley & Co., "	500.00
"	" Mr. Mahant Gilbert,	500.00
"	" J. S. Sellers,	500.00
22.	" Kauffman & Keamen,	250.00
28.	" J. C. Kuhn,	1,000.00
"	" Dean Randle & Co.,	500.00
"	" R. & D. G. Mills,	1,500.00
"	" H. Rosenberg,	500.00
"	" J. T. Ware,	500.00
"	" Ladd & Amory,	354.63
"	" Briggs & Yard,	228.40
"	" B. A. Shepherd & Co.,	1,000.00
"	" J. M. Brown, Prest.	876.50
"	" Ball, Hutchings & Co.,	1,000.00
"	" L. H. Wood & Co.,	360.20
"	" J. P. Davie,	1,037.02
"	" B. H. Shepherd, Agt.,	108.00
"	" M. Kennedy,	2,000.00
"	" A. Jameson,	925.00
23.	" for J. C. Robertson, Chrm'n,	2,258.50
Mar. 23.	By cash from J. C. Harris, Manager,	$ 14,905.40
"	" B. B. B. & C. R. R. Co.,	" 174.00
"	" L. M. Hitchcock,	" 300.00
	By Balance,	" 3,209.16
		$58,556.81

E. B. Nichols,
Commissioner.

Austin, March 23, 1861.

REPORT NO. 5.

Committee Room, March 22, 1861.

To Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety beg leave to report to the Convention that they found it absolutely necessary to go to Galveston to distribute means for carrying on the enterprises they had set on foot to obtain the Federal property for the State, and being authorized by the Convention to hold their sessions when and where in their judgment the public safety demanded they made arrangements to adjourn to meet at Galveston. Some of the committee, when they left home not anticipating the action of the Convention in requiring them to remain in session, did not provide means for defraying such expenses. The committee, however, were relieved by Dr. Simms, who generously and patriotically tendered to the committee the use of $400. The committee accepted the amount for the use of the committee. When the committee reached Galveston, they received from their financial agent, Gen. E. B. Nichols, the sum of $10,000. A full account of the debits and credits of the committee has been rendered

They beg leave to state that several of the committee being without means for their expenditures for the reason before stated, the chairman of the committee advanced to some of them such sums as appears in said account annexed to their names respectively. It is to be hoped that the amounts expended will not be found extravagant when it is understood that the movements could not go on without money.

The committee are confident of having obtained the Federal property amounting to near $3,000,000 at a cost of less than $75,000, all told. When the Convention adjourned the 4th of Feby, the committee having been required to keep a record of all their proceedings, they retained the secretary of the Convention, R. T. Brownrigg, in their service, who was during the whole recess of invaluable service to the committee, and the committee cannot too strongly commend to the Convention the propriety of making to him fair and liberal compensation. They also retained the sergeant-at-arms, B. F. Durham; the committee found their labors ample in the discharge of their duties as such and that they could not go on errands, serve notices, attend the post office and various other duties in person. They therefore retained the sergeant-at-arms, who with the secretary went with the committee to Galveston. The committee take this occasion to say Mr. Durham gave prompt and efficient attention to the demands of the committee at all times. The committee think the thanks of the Convention and especially of the committee are due to Gen. W. Austin for his liberality, kindness and courtesy in furnishing the committee a room for the transaction of business during their stay at Galveston free of charge.

The committee, as will be seen by their report of receipts and disbursements, have now on hand the sum of $2,258.50, and, as they received the same from Gen. E. B. Nichols and it is not yet certainly known when the State will refund to him, they herewith submit the following resolution and ask its adoption:

Resolved, That the chairman of the committee on Public Safety be required to pay over the balance in his hands, viz: the sum of $2,258.50, to Gen. E. B. Nichols, financial agent of the State of Texas, to be placed by him as a credit on his account against the State of Texas.

I have the honor to be very respectfully,

John C. Robertson,
Chrm'n Com. Pub. Safety.

REPORT NO. 6.

H. E. McCulloch's Mission to the Northwest Frontier.

Committee Room, March 14th, 1861.

To Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety instruct the undersigned to report through you to the Convention that on the 5th day of Feby, 1861, they elected Col. Henry E. McCulloch military commander and commissioner, with the rank of colonel of calvary, whose power and authority will fully appear by the following commission and instructions.

Committee Room, Feby 5th, 1861.

To Col. Henry E. McCulloch,
Sir:

You are hereby appointed by the committee on Public Safety, holding their authority from the Convention of the people of Texas, lately in session in the city of Austin, as commissioner with the military rank of colonel of calvary, with instructions and authority to raise and employ a sufficient force and proceed without delay to negotiate with the respective commanders of the various military posts, from Fort Chadbourne, including Camp Colorado, Camp Cooper and Fort Belknap to Red river, for the delivery to you as commissioner in behalf of the people of the State of Texas of all and every species of property—quartermaster's property and stores, commissary's property and stores, ordnance and ordnance stores, medical and hospital stores and every other species of property or articles belonging to the United States within the State of Texas, within said limits, and if peaceable possession of the same cannot be obtained then to seize the same in the name and for the benefit and future defence of the people of Texas.

You will make and return to this committee or other authority, representatives of the people of this State, a full and fair inventory of all property so received or taken, and continue to hold possession of the same until otherwise instructed in such manner as to guard against its recapture by Federal troops, Indians or abolition marauders, subsisting the force under your command upon the supplies so taken and protecting the lives and property of all citizens endangered in consequence of disarming the garrisons herein named until otherwise instructed. Should you deem it advisable to retain any portion or all of the Federal troops now in your district in the temporary service of the State, you can do so, promising them that Texas will use her best endeavors to get them into the army of the Southern Confederacy, with the military rank they now hold in the army of the United States.

You are especially to employ the arms, ammunition and other property, while in your possession, so as to be most conducive to the benefit of the people of Texas, and as it is advisable to avoid the effusion of blood you will employ a force abundantly sufficient to render resistance by the Federal troops useless. You will pursue the same prudent course after getting possession of said property, so as to guard against all hazards of its recapture by any force whatever.

You are further authorized to accept any military force which may be tendered to you, or to appoint officers to raise such force to enable you to carry out the foregoing instructions. You are instructed in your military operations to be governed by the army regulations of the U. S. and the articles of war, except in cases manifestly inapplicable, and you are required in your operations to report the same to the committee on Public Safety as often as expedient. You will address J. C. Robertson, Galveston, Texas, informing him at what point he shall direct any communication to yourself, and any communication you may wish to make to him by the 27th day of Feby, 1861, you will address to Galveston, and after that time you will address him at Austin.

If any officer, noncommissioned officer or private should be guilty of disorderly or disobedient conduct or intemperance, so as to render him or them unfit or inefficient for the service, you are authorized and required to discharge such.

John C. Robertson,
Chrm'n of Com. Public Safety.

Attest:
R. T. Brownrigg,
Sec'y to Com.

The following additional instructions to Col. Henry E. McCulloch were afterwards adopted by the committee and sent by express to him:

Should you deem it advisable to retain any portion or all of the Federal troops in your district in the temporary service of the State you can do so. In case any or all of them should express a desire to depart the country peaceably, then you may permit them to do so upon such terms as will not dishonor them and as will insure the public safety and in such way as will insure safety to their persons and private property.

Should you find the Federal property hereinbefore referred to in the possession of any other person or persons than an officer of the U. S. A., you will demand and receive and take charge of the same in like manner as if received and demanded from a U. S. officer, observing your instructions in that behalf.

John C. Robertson,
Chrm'n of Com. Public Safety.

Attest:
R. T. Brownrigg,
Sec'y to Committee.

They further report that Col. H. E. McCulloch at once started to the frontier on his mission, and the committee feeling the necessity of furnishing Col. H. E. McCulloch, Col. John S. Ford and Col. Ben McCulloch with money to enable them to carry out successfully their respective enterprises to which they had been appointed, on the 12th day of Feby they adjourned to Galveston, and on the 18th day of Feby the committee sent by express to Henry E. McCulloch, by one of the committee, J. M. Norris, the sum of $6,000. The committee will at an early day report separately what they have done with regard to raising and disbursing money.

The committee have received by express the accompanying documents from Henry E. McCulloch, which will show what he had done in regard to his mission up to the 1st day of March.

Head Quarters, Camp Colorado,
Feby 25th, 1861.

Hon. O. M. Roberts,
President of the Convention.
Sir:

Being with my command in an unorganized county on the day of election for the ratification or rejection of the secession ordinance, I ordered elections to be held in the companies of my command then near this place and instructed the officers to conform as near as practicable to the laws respecting the same, enjoining strictly the great necessity of accepting none but legal votes, and herewith transmit you the returns as handed me by them, and, although not legally held, respectfully ask that they may be counted and credited to the respective counties to which they belong.

I had not the satisfaction of voting, being too much engaged at the time in my negotiations with the commanding officer of this post to spare the time, and while it was a disappointment to me in not being able to put my name among the voters I have no fears but that I will be sufficiently identified with the movement to be able at all times and under all circumstances to be properly understood as the ardent friend of the movement.

I have the satisfaction to be able to say to you that my negotiations here with Capt. E. Kirby Smith, of the 2nd Cavalry, in command of this post, were of the most kind and agreeable character, and, although I have succeeded with him in making an arrangement much more beneficial to Texas than that agreed upon by the commissioners at San Antonio with Gen. Twiggs, I could not think for a moment of holding a truly Southern man and warm friend of our State to an agreement that would have placed him in the eyes of his fellow officers in a position so different from theirs, and although I do not feel that the action of the commissioners at San Antonio is binding upon me I have without hesitation placed the negotiations with Capt. Smith on the same terms, asking nothing more and requesting nothing less. I desire here to speak of Lt. Jewfer and Surgeon Alexander, of this post, as gentlemen of Southern feelings, with whom my intercourse has been pleasant and business agreeable. I will leave for Fort Chadbourn to-morrow with my command, leaving Captain Frost in command at this point. I have been detained much longer than I expected in getting to and at this place, owing to the great scarcity of arms and horses in this upper country (from which the Indians have stolen so much). I have found it much more difficult to raise a force than I or the gentlemen from this section of the country in the Convention expected and, if I had been resisted, would have had to contend with less chances of success than would have been warranted by a prudent regard for the lives of our troops; but I came here without provisions or money to support my command with, and would have been compelled under the circumstances to have risked much in order to have procured the necessaries of life. The commissary stores taken here are sufficient for one company three months, and there is a fine lot of medical and hospital stores on hand, as well as all other things appertaining to the service except forage, arms and ammunition, of which there is scarcely any except ball cartridges, which do not suit our arms, and all of which is much needed in the service at this time.

I have taken every care necessary for the interest of the State in receiving the public property here, and shall place it all in the hands of the best men I have been able to get among strangers, earnestly hoping that nothing will be permitted to go to waste or be extravagantly used. The citizens of Brown county and other counties adjoining offered to accompany me to the place and aid me in its capture if necessary, and as I found that my command here would not reach 200 men, I accepted the services of some of them, and will report their rolls to the committee or Convention at an early day.

I regret the unauthorized move made upon Camp Cooper by some of our friends in that section, but as it was surrendered to Col. Dalrymple, of the State troops, it will possibly be regarded in the eyes of the world as legitimate, and as it is in his hands I may not find it necessary or advisable to take possession of it, but shall write to him at once, urging him to have a strict regard to the interest of the State in the occupation of the Fort and the use of the property taken by him.

When I commenced this letter I only intended to forward the election returns, but have made it so very lengthy that it might answer for a skeleton report.

Most respectfully, your obd't serv't.
H. E. McCulloch,
Com'r and Col. Comdg N. W. frontier of Texas.

Head Quarters, Camp Colorado,
Feby 26th, 1861.

To Hon J. C. Robertson,
Chrm'n of the Committee on Public Safety.

Under the commission and instructions received from your committee, I sent orders from Austin on the 5th and 6th inst. to Captains Thos. C. Frost, R. B. Holly, J. B. Berry, H. A. Hamner and D. C. Cowan to raise 100 men each, and also wrote to Capts. Harrison and Ross, who were at the time in service under orders from Gen. Houston, requesting if agreeable to them that they would co-operate with me in our service on the frontier, and on the 11th. left Austin myself for this place via Belton, Gatesville, etc., which route I took in order to hurry the companies into service, and reached the county seat of Brown county on the 17th day of this month, where I remained, keeping a constant watch on the movements here, through trusty reliable citizens, who were not suspected, until the morning of the 22nd, when I left for this place in advance of the companies of Capts. Frost, Hally, Berry and a citizen force under Lieut. Cunningham, amounting in all to less than 200 men, and instructed to advance cautiously to a point within six miles of this place, then to await further orders, intending to visit the post alone and as commissioner make a peaceable demand of the surrender of the post, coupled with the offer of temporary service to the officers and men and then, if the surrender was not agreed upon, to attack and seize the place next morning at daybreak. On reaching the post alone, at 4 'clock, P. M.. I called on the commanding officer Capt. E. Kirby Smith, of the 2nd Cavalry, and under my instructions demanded a surrender of all the arms, horses, ordnance, quartermaster's property, and commissary's stores, medical and hospital stores, and all other property of every kind and character at this post, belonging to the U. S. government, under his charge and the charge of his officers and in the hands of his men, at the same time offering him and them the position in our service, with the pledge I was authorized to make under my instructions respecting their incorporation into the service of the Southern Confederacy, which service Capt. Smith declined on the grounds that he had already tendered his own services to his native State, Florida, and did not feel at liberty to act until he heard whether they were accepted. Lt. Jewfer and Dr. Alexander declined for the present feeling that their allegiance was due to Maryland and Kentucky first if they seceded, but each one expressing attachment to the South and both saying that they would eventually enter the army of the Southern Confederacy in the event their States did not secede, or return to citizen life. Capt. Smith expressed himself in the most plain and unmistakable terms as the friend of the South and of Texas and said that there had been no time since the first State seceded that he would have obeyed an order to have carried his command out of Texas to be used against Texas or the South, but would, on receiving such an order, have thrown up his commission and marched his command at all hazards to the aid of the seceding State, if compelled to act in the matter on either side, and at the same time refusing to deliver up the arms, horses and equipments in the hands of his men, upon the grounds that such a surrender was disgraceful to a soldier, but agreed without hesitation to the delivery of all other property under the demand, except a sufficient quanity of provisions, ammunition, transportation, etc., to enable him to get peaceably out of Texas via San Antonio and the coast.

Feeling an unwillingness to see the arms and horses in the hands of his company carried out of Texas by the soldiers of the U. S. army, without knowing whose hands they were to fall into after he should resign and knowing that Texas needed them much and that they might be used against her or the Southern seceding States, I could not agree to his carrying them out of the country, and we finally agreed that he should have the use of his horses and arms, transportation, etc., to the coast of Texas, when *all of them, (horses, arms and all,)* were to be delivered to an agent or commissioner appointed to receive them for the benefit of Texas; but before we had gotten through the arrangement of the papers for the delivery of the other [*sic*] and the evacuation of the post, we received the circular of the commissioners Mesrs. Maverick, Devine and Luckett, of San Antonio, and the order of Gen. Twiggs to deliver up the property according to the same and, although I do not think any such an arrangement ought ever to have been agreed upon on our part, I did not for a moment feel that I ought to hold a true Southern man and warm friend of Texas bound to a negotiation so different from that required by [of] his fellow-officers in another part of the same State; that it would have enabled them to accuse him of a want of proper attachment for the service and its *honor* in which he had been so long engaged, [and] of cowardice; and hence the arrangement for the surrender of this post, its property, and the removal of the troops from the State has been put upon the same footing of the agreement of the commissioners and Gen. Twiggs, asking nothing more, requiring nothing less. The subsistence taken here is about sufficient to supply 100 men for three months. A very small supply of forage, no ammunition except cartridges for Sharp's rifle, Colt's revolvers, etc., none of which are very useful to us, but would be if we had the guns and pistols carried away from here by the troops. There is a large supply of quartermaster's stores of various kinds, much of which has been in use, and as there are but few tents in it, will not be of much use to us in our service at this time. Among the company property turned over by Capt. Smith there are a few (5 or 6) Sharp's carbines that have been in service but are still serviceable, and over 50 sabres that I suppose might be of service to Texas rangers in a snake country, and will, perhaps, be of service to Texas should she raise a regular army. Proper invoices of the articles taken will be returned as soon as practicable, and in the mean time all of it taken proper care of, that is not necessarily used in the service of the country.

Throughout the whole of our negotiations and intercourse, Capt. Smith has shown the high-toned, noble bearing of a soldier and the finest sensibilities of the gentleman, and my association with him and his officers in all our relations, official and personal, have been of the kindest character, and I hope that Texas and the Southern Confederacy will take the necessary steps to secure their services to Texas and the South by absolving them as far as possible from their allegiance to the former government, assuming the debts due them from the same, or all of them that desire to remain in the South and yet take steps to *disarm* those that are going North to use their arms against the South. It is reported here that Camp Cooper was attacked or besieged by citizen troops, and that it finally was captured or capitulated to Capt. Dalrymple, aid-de-camp to the governor and colonel commanding the State troops under his orders, and as he is an officer of the State and responsible for the safe-keeping of the property I shall leave it in his hands for the present, requesting him by letter to take care of it until I can have a conference with him respecting it, after I have arranged matters at Fort Chadbourne, to which place I go on to-morrow with the companies of Captains Holly and Berry, leaving Capt. Frost in command at this place with only a portion of a company, with directions to fill it up as soon as practicable and give all the protection he can to this portion of the frontier. No one could have had a correct idea of the difficulties of raising men hastily on this frontier until they had seen it tried. The people here have been so long and so much harassed by the Indians and have lost so many horses time and again by them that they cannot now mount more than every 3rd or 4th man on an efficient horse, and when they are mounted 'tis very difficult to get arms to fight with and, unless something is done to arm the citizens or place a sufficient force to protect them against the marauding Indians, the frontier must be broken up even worse than it is now and, although I have seen but little of it yet and not the worst by far, I have seen many vacant houses and farms compared to the number of settlers in the country and, although far from my own home (which thank God is secure from these dangers,) among a people almost all strangers to me, my heart is often made to ache at the devastation I see in the country and the truthful tales they tell me of their sufferings and losses, and I would feel that I had shamefully failed to do my duty to them and to you, as your commissioner, if I did not urge upon you in the strongest possible manner the great necessity of giving full and ample protection to the frontier at every hazard and at no odds what cost. I am mustering the troops under my command into the service, subject to the further order of the Convention, and can get up a sufficient force and keep it here for from three to five months, which will give time to replace them with more permanent volunteers which I think should be ordered out for twelve months; and I have in every instance, when I mustered a company into service, promised that those of them who desired to remain in the more permanent service when established should have the preference and I hope that these pledges will be redeemed by the Convention.

It is very necessary that I should have some funds at an early day to enable me properly to get along with the service, as I started out without a dollar. I have been compelled to contract a few debts, amounting so far to less than $1,000, which I have promised to pay at an early day, and hope the necessary means will be sent to do so, and use whenever necessary in the service.

I have appointed a regimental quartermaster and commissary in the same person, requiring him to perform both services, and shall have to appoint assistant surgeons to take charge of the hospitals, medicines, etc., at the different posts to secure the property and administer to the sick, if they have any, and may have to appoint another quartermaster and commissary at Fort Chadbourn, as I find but few if any of the subaltern officers in the command qualified for that service. I shall be as economical in all things in the service as possible to be efficient, but I must have the necessary aid in men and funds to do good service and protect the interest of the service and the country.

I shall look forward with much interest to the establishment of a permanent government and a more permanent service on the frontier as a harbinger of peace to the country, and my permit to return to the bosom of my family at my own private peaceful home; and it may be as well for me to say now as at any other time that I have not entered the service for place or position but to aid in the establishment of a permanent government for Texas and the South, and the moment that can be done I shall feel that I am through with my work. I have neither adjutant, sergeant-major or clerk and hence I keep no copies of my letters or this report, and as I am just out of paper respectfully and kindly ask you to have it copied for me and retain the copy for my future use.

Most respectfully, etc.,

H. E. McCulloch,

Com'r and Col. Comd'g N. W. frontier of Texas.

March 13th, 1861.

Hon. J. C. Robertson:

I herewith hand you a report sent by express from Camp Colorado. The express has been obtained by Capt. Frost, and as his command is weak I have advised him to employ a citizen to carry it; and said to him that he must draw on the committee for the funds to pay for it or direct the payment to be made by you at Austin; and if he sends men from his own company they will need the means of living, which I must also ask you to supply, and hope you will not fail to do; and here let me press upon you again the necessity of furnishing me funds to use, when I need money to carry out and perform my duty. I will be economical, and the funds will not be squandered or uselessly applied.

Will you have the kindness to let me hear from the committee and Convention by return of express.

I have had no time to look over or copy the report after writing it.

Respectfully, etc.,

H. E. McCulloch,

Com'r and Col. Comd'g N. West frontier of Texas.

Fort Chadbourne, Texas,
March 1st, 1861.

To Hon. Jno. C. Robertson,
Chairman of the committee of Public Safety:

I had hoped when I left Austin that I would have been able by this time to have given a full and satisfactory report of the termination of my labors in the division assigned me, as far as the surrendering the military posts was concerned within its limits, and regret that I have now to report additional prospects of delay.

Owing to a total deficiency of public transportation at this post and the impossibility of procuring any other, the troops here cannot march according to the agreement made by Gen. Twiggs and your commissioners of San Antonio. Colonel Morris as commanding officer and I as commissioner have stipulated that he with his command of one company of infantry should hold possession of the post until transportation could be procured from San Antonio, (for which we have both written,) binding himself to keep all things in *statu quo,* except a sufficient quantity of subsistence for his command, and further to furnish my command with subsistence until the evacuation of the post, which is to be immediately upon the arrival here of the necessary transportation. He seems to think and may finally contend that Texas is to furnish the transportation, while I am clearly of the opinion that the commissioners contemplated no such thing in their negotiations upon the subject, but as the circular is all the information I have respecting the negotiations of the committee I would beg to learn if possible which of us is correct, and in case the U. S. government fails to furnish the transportation what course would be pursued with regard to it. He seems, "very anxious to go, but can't"; very sorry he has to remain in my way and cause delay in my movements, "but can't help it;" all of which I really see and think is the case and I "can't say *go*" to any one who seems perfectly willing to do so, if he could of his own accord, without having it to say. I shall leave Capt. Holly's command near this to take possession of the post whenever the regular troops evacuate it, and leave in a day or two with Capt. Barry's Command for Camp Cooper, where I fear I shall have great trouble in ascertaining the amount of supplies on hand, as the officers were required to abandon the fort without rendering any account of the supplies on hand, and as it was surrendered to a State officer under the command of the governor feel a great delicacy in attempting to take possession of it at all, yet shall go and see what can be done in relation to it. There is some ordnance here, some medicine and hospital stores, and provisions I suppose for 100 men [for] four months, and no forage. This is a very eligible position for a post on the frontier as a place of defence and as a supply post, and if it can be done ought to be kept up. Capt. Baylor's command are returning by here in detachments, having had a long hard campaign into the Indian country. Most of them [are] out of provisions and many of them almost destitute of clothes, and their horses nearly broken down. They have killed a few Indians, chased and taken property from others, and report plenty of them on the heads of the Colorado and Brazos; but their horses, from the scarcity of grass, gave out and they were compelled to return. You will see from the efforts of these men how far the people on this frontier are willing to make sacrifices to protect the country against the Indians, and if men are willing to sacrifice so much time and means and undergo such hardships, must there not be a stern reality in the tales of suffering that go into the settlements. These men have done hard service and needed aid on arriving here, and I supplied them with provisions and sent them on home. Some time in December, a gentleman (Capt. Lowe of Bosque) was left here by a ranging company sick in the hospital, where he has been ever since; the officers of this post have shown him every kindness and attention and he has been taken care of at their expense or that of their government, which entitles them to our gratitude to the fullest extent, and to Capt. Wallace who has not only shown his nobleness of heart in this instance but in many similar ones, among which was his great friendship shown Capt. Callahan on his retreat from Mexico at Eagle Pass, and especially to his wounded men left at that place. There has been to-day another wounded Texan left in the hospital here, (Mr. Elijah A. Dawson of Freestone county,) by Capt. John Komar, who was one of the persons composing Capt. Baylor's command, and the officers seem to take as much interest in him as if he were a relation; these things should serve to attach us to them as men of soul, and I am really sorry that they seem so tenacious about their allegiance to the Union or their unwillingness to serve one section of it against the other; that they do not express themselves more determined to enter the service of the Southern Confederacy. Lieut. Cone, however, is an exception to this; he is a native of Georgia, has offered his services to her, and will go there as soon as relieved as quartermaster and commissary of this post. I left Capt. Frost with his company in command at Camp Colorado on yesterday. Capt. Burleson made me a formal tender of the services of his company, which I received and directed him to occupy a position about midway between this place and Camp Colorado, below a direct line, however, on Home Creek, and protect that portion of country. I had written to him on my way up here to know if he would co-operate with me and if so to let me hear from him, and under a misapprehension of my letter and his great zeal to get into the service of his seceding State and render her some service he committed an act of indiscretion by arresting the government express, opening the documents, and detaining some of the arms and horses for a day or two for which he has expressed great regret and made explanations which have satisfied me fully that his motives were pure and that it was for the good of the country, as he thought, that he acted in the matter and from no other motive; and as he has entered the service of the Convention under my orders, abandoning that of the State under Gov. Houston, I hope the Convention will permit me to retain him while the temporary service lasts. I have as yet received but the four companies into the service, and no one of them amounts to a full company, but all, except Capt. Burleson, have been authorized to fill up by recruits; his company was considered sufficiently large to occupy the position assigned him. Under the arrangements made by me so far no troops have been sent to the frontier from Cooper north to Red River, but I have learned that most of Col. Dalrymple's command is in that section, and if that should be so and there is no uncertainty about their remaining I shall probably call out or accept of the services of no more troops until I receive further orders from the Convention; but if there seems to be any doubt about the command referred to remaining in the service until more permanent arrangements can be made, I will continue them if they will remain after discharged by Gov. Houston, or call out others. The companies I have called into the service are subject by their muster to be discharged at any time by the Convention; but I have said to them that I expected they would be retained from three to five months and be displaced by more permanent volunteers, in which service I feel satisfied you will give them preference over those who have not been in service. Capt. Holly, I learn, would not care to remain in the more permanent service, but Lt. Davidson of his company, I think, will make a good officer and could bring a good company into the field. Capts. Frost and Berry will both make excellent commanders for permanent volunteers in the service and deserve your consideration. I shall have to appoint a quartermaster and commissary here, as I find no lieutenant in Capt. Holley's company who would be able to take hold and carry on the business at once, and there is no time now to learn men to do such duty if others can be obtained that understand it, and as soon as I find some person that suits me I shall appoint a sergeant-major and an adjutant to aid me in my duties. Let me urge you again to furnish me the funds necessary to pay for such things as I am compelled to have. I met the troops here which had been routed at Camp Cooper, and, although they had capitulated to Col. Dalrymple, who is a State officer, I felt it my duty, in order to put the Convention's committee as near right as possible and prevent the constituted authorities of Texas from blame in consequence of the unauthorized action by a portion of her citizens at Camp Cooper, to enter into negotiations with them as your commissioner and put them as far as in my power on the same footing with all the other troops under the agreement made by General

Twiggs and the commissioners at San Antonio, and while I have done this and have in every instance since I have received the circular of the committee negotiated according to its provisions as I understand it I must, as one of your commissioners differing from those who made the agreement with Gen. Twiggs respecting the proper terms upon which these troops should have, been permitted to leave the State, enter my solemn protest against the agreement and assure you that in this portion of the field more advantageous terms could and would have been obtained; and I hope the Convention will yet take steps to get them to leave their arms, etc., at the coast. We have offered them the same rank in our service they hold in the other; they decline it, and prefer going out of the State. Where are they to go, but to the northern or middle States to serve under a Black Republican president, who threatens coercion; and they *our friends*, and refuse to leave their arms and equipments in our own State, where they know that we have *need of them*, and cannot purchase them with money on this continent; deliver me from such *friends* as these, I say, under any and all circumstances; and while I can see clearly how much the Northern States and possibly the whole world blame Texas for rescinding the agreement made by her commissioners, and while I would dislike to do anything that would wound the pride or cast reflection on the commissioners, I would not permit the arms to go out of Texas in the hands of an organized army who regard Lincoln as their president and commander-in-chief, and under whose orders they will of course turn upon us and our friends of the South *these very guns*. Look at this matter, and for the sake of our common safety and self-protection see if these *friends* of ours ought to be permitted to carry these weapons away with them. I have told the officers plainly that if it were left with me alone, either as a commissioner or as an individual, that I would first offer them service in Texas and the South upon liberal and fair terms and then if they still said that Lincoln was their commander-in-chief that I *would have their arms* before they left the State. Yes, and more, that if my government and my people, by her Convention, when re-assembled, agreed with me and concluded to act it out, I was ready to leave this portion of the field and meet them with such force as I could get and compel them to give up the guns.

The people of Texas will be dissatisfied with this arrangement, and before many of these troops can get out of the country Lincoln will be president; they his army, be hostile to us; they bound as they believe to obey orders, under these circumstances their passage through and out of the country might not be entirely safe and unmolested, and hence, if the Convention do not intend to require any change in the agreement with them in an official manner, it might be well to see that there are no mobs raised on the route down the country. I hope the committee will pardon me for intruding my opinions upon them, and that the commissioners will not think for a moment that I would do them wrong, but I feel deeply the necessity of the course I suggest and as a commissioner, differing from them in opinion, think it my duty to my State and people to speak out openly in the premises. At the earliest practicable hour I shall be pleased to learn at what time the men which I called into service may be expected to be relieved by more permanent volunteers, and whether they may expect any preference shown them in that service. As far as I have been able to judge of the people of this frontier, they are good men and if provided with the necessary means would defend the country against any and all its enemies; their service has been so irregular and under so many disadvantages that they do not seem to understand the necessity of paying that attention to discipline that the people do in some other portions of the State; but all that could be remedied by the selection of proper men to raise and command them, and in conclusion I cheerfully say that so far I have had as agreeable service with them as I have usually had with our volunteers, and in no instance has an order of mine been disobeyed by any one as far as I know.

H. E. McCulloch,
Com'r and Col. Comd'g N. West Frontier of Texas.

(A.)

Camp Cooper, March 7th, 1861.

To Captain E. W. Rogers,
Commanding Camp Cooper.
Sir:

Under my instructions from the Convention of Texas, I demand "in the name of the people of the sovereign State of Texas" the delivery to me of this post or camp with all the arms, munitions of war, quartermaster's property and stores, commissary property and stores, ordnance and ordnance stores, hospital and hospital stores, medicine and medical stores, and all other public property of every kind and character, now in your possession or under your command, which lately belonged to the United States and which was surrendered to Col. W. C. Dalrymple, as a legal officer of Texas, by Capt. Carpenter of the U. S. A., on the 21st day of Feby last.

Very respectfully your obd't servt,
H. E. McCulloch,
Com'r and Col. Comd'g N. West Frontier of Texas.

(B.)

Camp Cooper, Texas, March 9th, 1861.

Col. H. E. McCulloch,
Com'r and Col. Comd'g troops on N. West frontier of Texas, by authority of the Convention:

Sir:

Yours of the 7th inst., requiring of me a surrender of the post of Camp Cooper with all the arms, munitions of war, quartermaster's property and stores, commissary's property and stores, ordnance and ordnance stores, hospital and hospital stores, medicine and medical stores, and all other public property of every description now in my possession, late of the government of the United States, has been received and contents carefully noted.

I received the command of the post of Col. W. C. Dalrymple, the commander-in-chief of the Texas mounted rangers, to whom it was surrendered, on the 21st day of Feby last, in the name of the State of Texas, by Capt. Carpenter commanding, then in the service of the U. S. government.

Knowing that Col. Dalrymple, in making the demand of the surrender of the post and property of Camp Cooper of the Federal officers in command, acted from pure motives and in a current move with the Convention, and from the evidence before me being satisfied that you are the proper person to receive the post and property here, late of the government of the United States and now under my charge, I will take pleasure in surrendering it to you, under your commission and authority from the Convention lately held in Austin.

I am, yours, very respectfully,

E. W. Rogers,
Captain Comd'g Post.

Camp Cooper, Texas, March 9, 1861.

To Hon. J. C. Robertson,
Chrm'n Com. Public Safety.

Having reached this place on the night of the 6th inst. and finding Capt. E. W. Rogers of the State troops in possession and command of the post, under the order of Col. W. C. Dalrymple to whom it had been surrendered by Capt. Carpenter of the U. S. army on the 21st ult., on the morning of the 7th I called on him and demanded the surrender of the post with all the public property of every kind and character, then of the same, which had been surrendered as above mentioned, which demand was promptly yielded to by Capt. Rogers as you will see by reference to a copy of his letter over mine, marked A and B, transmitted herewith.

The amount of subsistence on hand here is much less than I anticipated before my arrival, and, although I am not able at this time to state in this report the exact amount, do not suppose it will exceed a supply for 100 men sixty days, and the bread rations not so long even as that.

There is a fair quantity of oats on hand, but they have been here so long that they have become somewhat musty from age and the sacks so eaten by mice that the quantity cannot be ascertained until all of them are overhauled, resacked or put in boxes and barrels and weighed.

I presume that you have been informed before this that this place was surrendered to Col. Dalrymple of the Texas troops by Capt. Carpenter of the U. S. army, and that the latter marched out with his command as a conquered force, and hence no regular invoice was made of the public property on hand at the time of the surrender, which being the case and having heard the officers who made the surrender say that everything for which they were responsible to their government was on hand when the place was surrendered, and finding the post and property in anything but good condition and many indications of waste and destruction, I have made inquiry as to the course pursued by the evacuating force while the citizen troops were investing the place, and the condition of the post and property at the time that Col. Dalrymple, or Capt. Rogers under his order, took possession of it on its evacuation, and learn from citizens who were here during the whole time and at the entrance of the State troops that the doors of the different public storehouses had been opened and that the regular soldiery as well as other persons who desired to do so were permitted to take what they wanted to use or destroy, and that several tents with their contents comprising the quarters of a portion of the troops were burned, as well as a good deal of other property, by the regular troops or others before their evacuation of the post, and that the doors of all the public storehouses as well as officers' and mens' quarters were open, and the whole post filled with persons, when the State troops entered the same.

Who these persons were and how they came to be in the post, I leave to others who were present and whose business it may be made to account for the supposed deficiency of property to say, and only allude to the above facts in order to account as it were in advance in part for there being a much less quantity of supplies here now than I had really expected to find from other reports I had received of the amount that should be here, and at the same time to intimate to you clearly that the people, although they may have acted precipitately, have not really been the only despoilers about this post, and, while I would protect them from all unjust assertions, I am unwilling to shield them from proper censure, and from reports am constrained to conclude that that portion of our people or some of them at least that were in this vicinity and at this post at the time of its surrender acted very improperly at Belknap by taking forage from the overland stage company, and at the station of the same company within two miles of this place by taking and using all the hay that was put up for the animals of that line without the consent of the same; and I probably would not here mention these facts if I did not feel that the Convention ought to be put in possession of them in order that they may, if they see proper, disavow any connection with this wholly unauthorized movement, and if advisable publicly condemn the conduct of all persons who were engaged in it, and, if they think proper, in order to identify the persons, call on Col. Dalrymple who was here in command at the time for a statistical report of the whole transaction.

I have assigned Capt. J. B. Berry to the command of this post, and appointed James H. Price, of Erath county, assistant quartermaster and commissary with the rank of lieutenant, which appointment is necessary for the interest of the service, and I hope will be ratified by you as well as all the appointments which I have made. Capt. Berry has employed Dr. Little as surgeon for his company, of which I have approved and put him in charge of the hospital here. Col. Dalrymple is now in the field with about 200 men, intending, as I learn, to spend from forty to sixty days in the country where the Indians are supposed to be.

The horses of my command are not able to perform much active service nor will they be until grass rises in the spring. This may seem rather strange to you as they have not been in service a month yet, but there were such poor crops raised in the section of country from which the men were called out, and the grass has been so bad through the winter, and these people have had so much service to perform in protecting their own homes, that the animals came into service in bad condition and, having little or no forage for them so far, they have not mended any as a matter of course.

In travelling from Fort Chadbourne to this place, I saw a great many buffalo and, in many places, they have been so abundant that they have destroyed or eaten up all the grass, so much so that it is difficult to get any grass about the watering places that will answer the purposes of a small command for a night.

I cannot tell when I will be able to reach Austin and make a full and satisfactory report to you, but shall do so as early as possible as I am anxious to see matters take some tangible form and some system of defence established for the permanent protection of this frontier, which can be done with rangers, if placed under the command of energetic, persevering officers.

I see that Capt. Mays' company is called out for 12 months, Capt. Rogers' for 6 months, Capt. Harrison's for——months, and Capt. Sublett's for three months; and these with the companies of Capts. Frost, Burleson, Hally and Berry, which I have received into the service subject to the order of the Convention, will be sufficient for the temporary service until more permanent troops can be called into service and put in the field; and I would respectfully recommend the continuation of the companies called out by Governor Houston in the temporary service in preference to calling others from their homes at this season of the year, as they seem to be efficient troops or would be so if put to work properly; but it is very necessary to the interest of the service and the protection of this frontier that these commands (mine and Col. Dalrymple's) should be consolidated or placed under the command of some one by the legal authorities, and the sooner it is done the better for the country. I have just been informed by a citizen living near this post that, in looking after his stock within the last three weeks, (running down to within four days of this time,) that he has seen where five or six head of cattle and several hogs have been killed by the persons belonging to our State, and considering the vast number of persons that have been congregated about this post and passing to and from the frontier, I am not surprised that it should be so and only mention it to show you the recklessness with which things are done and wrongs that the people of this portion have to submit to. As the troops under my command have just reached here, the charge does not apply to them, but, whether these depredations have been committed by "independent volunteers" or State troops, it should not be countenanced by any properly thinking man and should be stopped at once; and when I have the command of men and learn that they are guilty of such conduct, I shall in all cases discharge them from the service.

The reputation of the service must and will be sustained by me, or I will have no troops.

Respectfully, etc.,

H. E. McCulloch,

Com'r and Col. Comd'g N. West Frontier of Texas.

The committee further report that the post Camp Cooper was obtained possession of by a combination of State troops and citizen soldiery. The following communication was received by one of the delegates of this Convention, which indicates how the movement was gotten up. It is true that it was done without any express authority eminating from this Convention, but it is clear from the facts that the parties were prompted by patriotism and that the government property is there subject to the order of this Convention.

Weatherford, Jany 31st, 1861.

Hon. A. Nelson,
My friend,

Ere this reaches you I will be on my way to seize Camp Cooper and hold the same subject to the order of the Convention. I am aware of the responsibility but trust I will be sustained by the Convention. I would have been off three weeks sooner but for the want of co-operation here.

Hoping to hear from you while in Austin, I am, respectfully,
H. A. Hamner.

It is to be hoped that there will be no conflict of authority about the property at Camp Cooper, and it is believed now there will be none since Capt. Dalrymple has made his report to the President of this Convention.

(A)

Head Quarters, Camp Cooper,
Feby 23d, 1861.

Hon. O. M. Roberts,
President of the State Convention.

I have the honor to report to your honorable body that the United States military post here has been surrendered into my hands.

Having intelligence that the State of Texas, by a Convention of the people, had virtually severed her connection with the general government, and with the knowledge that within a little more than two short weeks that government must be administered by men professedly hostile to the institutions of the South and who could and most likely would displace the worthy commander and his officers at this post and put in command the direct Republicans, in which case a dangerous nucleus would be formed for any hostile movement against the State, either for coercion by the government of the North or for plunder by Montgomery and other outlaws and their minions. I also found here and arriving a large number of armed citizens determined on the capture or destruction of the place. In the meantime the garrison consisting of more than 250 men were making such preparations for defence as the means at hand would permit.

Having been tendered the command of all the forces assembled, I determined to interpose my authority and command and save for

Texas the post, prevent if possible the shedding of blood and all the calamities incident to a civil war. Accordingly on the 19th inst. I made, in the name of the sovereign State of Texas, a formal demand of surrender of the post with all arms, munitions, animals and other property heretofore belonging to the government of the U. S., which was accordingly surrendered at 10 o'clock on the morning of the 21st inst.

Accompanying are copies of the articles of stipulations and correspondence pertaining thereto.

I have the honor to be, etc.,

W. C. Dalrymple,
Aid-de-Camp to the Gov. and Col. Comdg.

(Copy.)

Camp Cooper, Tex, Feby 18th, 1861.

To the commanding officer of the State troops of Texas and other armed bodies of citizens encamped in the vicinity of this Post.

From various rumors which have reached me I am led to infer that the object of your command is a hostile movement against this Camp. Having waited several days in the expectation of receiving from you a notification of your intention, I deem it my duty to call upon you to be informed as to the object of this assemblage.

Yours respectfully,
S. D. Carpenter,
Capt. Infantry, Commanding.

I certify that the above is a true copy of the original.

J. E. McCord,
Adj't Texas Troops.

(Copy.)

Old Comanche Agency, Near Camp Cooper,
Feby 18th, 1861.

Capt. S. D. Carpenter, U. S. A.,
Commanding Camp Cooper.

Sir:

In answer to your communication of this day, I have to say that the assemblage of soldiery here has for its object the reduction of Camp Cooper.

The State of Texas having, by the action of a Convention of the people, virtually renounced her allegiance to the government of the United States and being here in command of the State troops and also in command of the citizen soldiery encamped in this vicinity, I shall in the name of the sovereign State of Texas demand within 24 hours a surrender of the garrison under your command with all arms, munitions and property of every description, heretofore belonging to the United States.

I have the honor to be your obd't servant,

W. C. Dalrymple,
Aid-de-Camp to the Gov. and Col. Comd'g.

Old Comanche Agency, Near Camp Cooper,
Feby 18, 1861.

Capt. S. D. Carpenter, U. S. A.,
Comd'g Camp Cooper.

Sir:

In the name of the sovereign State of Texas I demand a surrender of your garrison with all arms, munitions, animals and other property heretofore belonging to the United States.

I have the honor to be, your obd't servant,

W. C. Dalrymple,
Aid-de-Camp to the Governor, etc.

J. E. McCord, Adj't,
Col. Dalrymple's Command, Texas Mounted Rangers.

(Copy.)

Camp Cooper, Texas,
Feby 19th, 1861.

Col. W. C. Dalrymple,
Comd'g State Troops and Aid to the Governor:

Sir:

Your letter of the 18th inst, informing me that the armed body of men camped in this vicinity were State troops and armed citizens under your command, has been received. I have also received your letter of this date, demanding in the name of the State of Texas, a surrender of this Camp. Until the reception of your first note, I was satisfied from all the information I could obtain that I was threatened with an attack by an unauthorized force, and accordingly took such measures as were necessary for my defence. My reply to your demand, notwithstanding it is made in the name of Texas and by an officer holding a commission from its governor, as commanding officer of the Federal troops stationed at this Camp could be no other than an unqualified refusal. But in the present agitated political condition of our country, I feel compelled to regard, in connection with this demand and its refusal, the perilous consequences that must result to the whole nation.

The policy of the administration and the wisest statesmen of the land is to avert, if possible, the shedding of blood, and while I have before me this fact, exemplified at Forts Sumpter and Pickens and especially in the case of the *Star of the West,* and also the fact that the arsenals throughout the South have been yielded to the State authorities without a struggle, I do not feel justified to act from the promptings of a soldier.

It matters not that this Camp from its position is incapable of a prolonged defence; it matters not that your force is now far superior in numbers to my own and is daily increasing; it matters not that by reliable information I am positively assured that this whole community is arming for the purpose of retaining in the State all the property of the Federal government now in Texas; I would be actuated by the same motives which now control me in any event, provided the consequences of my refusal to your demand were to be the inauguration of a civil war, that must eventually involve all the States in fraternal strife.

Guided then by a spirit of patriotism and loyalty to the Union and by what I conceive to be the counsels of the most enlightened statesmen of the nation, and also by what I understand to be the policy of the general commanding the department, after due consultation with the officers of my command, I have determined to surrender this Camp to the State of Texas, and if you will submit to me the terms upon which you desire to receive for the State the Camp and Federal property in my charge, I will give them an early consideration.

Very respectfully, your obd't servant,
S. D. Carpenter,
Capt. 1st Infantry, Comd'g Post.

Old Commanche Agency, Near Camp Cooper,
Texas, Feby 20th, 1861

Capt. S. D. Carpenter, U. S. A.,
Comd'g Camp Cooper, Texas.
Sir:

Your letter of the 19th inst. in reply to mine of the 18th inst. and also in reply to my letter demanding the surrender of Camp Cooper has been received by the hands of Lieut. Walter Jones.

Assuring you that I deplore, *deeply* deplore the distracted condition of our country, which makes the demand of your post necessary at all, and not finding it in my breast to ask terms that could be in the least degree humiliating to the manly pride and honor of the American soldier and having had a conference with my officers, the accompanying articles of capitulation, marked A, are prepared and I herewith submit them with the hope that they will be acceded to by you.

I am, sir, very respectfully, your obd't servant,

W. C. Dalrymple,

Aid-de-Camp to the Gov. and Col. Comd'g.

J. E. McCord, Adj't.

Col. Dalrymple's Command, Texas Rangers.

(A.)

Article 1. The post at Camp Cooper shall be surrendered with all the arms, munitions, equipments and property of said post belonging to the government of the United States, to the State troops now under my command, on or before 10 o'clock, A. M., Feby 21st, 1861.

Art. 2. The officers will be permitted to march with all their arms and equipments and transportation necessary thereto, the soldiers with their usual arms, that is to say, the infantry with their firelocks and accoutrements belonging thereto, the cavalry with their usual equipments, with transportation, ammunition and subsistence necessary for the march of your command to San Antonio; at which place the public arms and property are to be delivered to the State authorities of Texas or in the absence thereof to the chief justice of Bexar county.

Art. 3. The Texas flag shall be hoisted on the parade ground at Camp Cooper upon the evacuation of said post.

(Copy.)

Camp Cooper, Texas,
Feby 20th, 1861.

Col. W. C. Dalrymple,
Comd'g State troops of Texas:

Sir:

Your communication of this date, submitting for my deliberations the terms upon which you demand the surrender of Camp Cooper to the State of Texas, has received my attention.

I accede to the stipulations in the 1st and 2nd articles proposed and will accordingly evacuate the Camp on the 21st inst., marching my command to San Antonio and deliver the arms, property, etc., to the authorities named therein.

With reference to the 3rd article, I would remark that it enters in no way into our present considerations, for after I have marched from this camp I cease to be responsible to my government for what may transpire afterwards at that point.

Very respectfully, your obd't serv't,

S. D. Carpenter,

Capt. of Infantry, Comd'g Post.

The committee regret that they have not yet received an inventory of the property taken under Col. H. E. McCulloch's command, and also a statement of his expenditures. Should they not receive more complete reports from him, the committee will, in view of the adjournment of the Convention at an early day, report an ordinance providing for Col. McCulloch to report to some department of the State.

All of which is respectfully submitted.

I have the honor to be, very respectfully, etc.,

John C. Robertson,
Chrm'n of Com. on Public Safety.

REPORT NO 7.

Committee Room, March 8th, 1861.

To the Hon. O. M. Roberts
President of the Convention of the People of the State of Texas.

The committee on Public Safety instruct the undersigned to report to the Convention that on the 24th day of Feb'y they were in session in the city of Galveston, that at that time the revenue cutter *Henry Dodge* was in that port in the service of the United States, under the command of Lieut. W. F. Rogers, of the U. S. revenue service. The committee being assured that Lieut. Rogers and his men on board the *Henry Dodge,* there being 12 in number, were true to the cause of the South, they sought an interview with the commander on the subject of demanding possession of his cutter; during the conference Lieut. Rogers exhibited to the committee orders from the War Department at Washington, in which he was required, in the event any persons without authority from that Department should undertake to get possession of his vessel, not to permit the U. S. flag to be dishonored, but to fight to the death, and should he find himself about to be overcome and his vessel about to be taken, he was ordered to blow it up. Lieut. Rogers also had orders to take his vessel at once to New York and report himself to the collector of that port. These orders the gallant Lieut. determined to disobey, as he regarded them as unfriendly to the South, and expressed himself ready to resign and hold possession of the *Dodge* for the State of Texas, when required to do so by the proper authority. Upon information received by the committee, it was found that on the 1st day of March there would be due to the commander and his men two months pay, and that the U. S. government, through the collector at Galveston, would pay them on that day. The pay still due the crew amounted to about $900. The committee knew that to take possession of the *Dodge* under such circumstances, this State would in honor have to pay the crew, if the committee enlisted them in the service of the State. The committee therefore concluded not to demand the vessel at that time, but to wait until the crew were paid off, and then demand and take possession of her. To this end the committee issued instructions to Chas. McCarty. of Galveston, to demand said *Henry Dodge* on the 2nd day of March, and if not surrendered to raise a force and take it, which instructions are submitted, marked B.

The following is a list of the arms on board the *Henry Dodge:*

1 nine pounder on pivot; 100 rounds of ammunition; 9 Maynard rifles; 12 Mississippi rifles; 24 boarding pistols; 12 cutlasses.

It will be seen by a communication hereinafter submitted that the *Henry Dodge* is now in the service of Texas, under the command of W. F. Rogers. with the commission of captain, and that he is doing some service for the State.

The committee further report that on the 24th of Feby A. M. Gentry, Presdt. of the Texas and New Orleans R. R. company, informed them that he then had a cargo of railroad iron lying just outside the bar at Galveston, that if he landed it there he would be required to pay duties to the U. S. government, amounting to several thousand dollars, and that he preferred paying it to Texas. As a matter of public safety and to secure to Texas the money, the committee issued to A. M. Gentry authority to land his iron anywhere on the coast of Texas he saw proper, but the committee required him to execute his bond payable to the State of Texas, which is herewith submitted, together with the authority to said Gentry, marked C and D.

The result of this will be seen by the communication hereinafter submitted from Gen. Sherman.

The committee further report that the day after the committee adjourned at Galveston, three of the committee, Jas. J. Diamond, A. T. Rainey and Jas. R. Armstrong, having their attention called to the probable necessity of a military defence of Galveston, and believing prudence dictated preparation for any emergency, executed to Gen. S. Sherman authority to control the defence of said city, which being made known to the committee, meets their entire approbation. A copy of this document is submitted, and also a letter from the President of this Convention requesting Gen. Sherman to do the same thing is also submitted, marked E and F.

The committee, since the reassembling of the Convention, have received a communication from Gen. S. Sherman which will show the result of the acts of the committee in regard to the foregoing matters. By the same communication it will be seen that Gen. Sherman also has taken into possession a U. S. schooner of 138 tons, which he says is a very fine vessel of her class.

All of which is respectfully submitted.

John C. Robertson,
Chairman of Committee on Public Safety.

(Document marked B.)

Committee Room, Galveston, Texas,
Monday, Feby 24th, 1861.

To Charles McCarty.

Sir:

You are hereby authorized and required by order of the committee on Public Safety, on the 2nd day of March next, to take possession of the U. S. revenue cutter *Henry Dodge,* now in this bay and vicinity, or if the said action be inconvenient at that particular time, then as soon thereafter as may be practicable.

You will demand of the officer in command the entire and unconditional surrender of said vessel, provided nothing shall be done calculated to wound the pride or honor of the officers and men aboard of said vessel. You will receive and take charge of the same and the munitions, arms, property of every description, etc., etc., except private property belonging to the crew on board said vessel.

You will, should the officer in command place himself in a position to accept the same, put him in command of said vessel, under the authority of the State of Texas, with the rank of captain and subject to the approval of the committee of Public Safety or the Convention of the people of the State.

You will see that proper receipts are given the officer in command for the surrender of the vessel, etc., if the same be peaceably surrendered, and when placed by you in charge of any other person you will take all necessary vouchers for your protection.

Should you meet with a refusal on the part of the officer in command of said vessel, you will proceed to take immediate and unconditional possession of said vessel, and with that view you will collect a force sufficient for that purpose to accompany you under your command.

You will consult whoever you place in command of said vessel as to all necessary appointments under him, taking care to make none other, and will be particular not to promise permanent position of any character to any appointee under said commander.

By order of the committee,

John C. Robertson,
Chrm'n of Com. on Public Safety.

(Document marked C.)

Galveston, Texas.
Feby 24th, 1861.

To A. M. Gentry:

In consideration of the execution of your bond to the State of Texas to pay the duties which may be demanded of you on the cargo of iron now on the *Sangeen*,

You are authorized by the committee of Public Safety to land the same at any point on the coast of the State of Texas, free from the payment of any duties to the "old Federal government," and should such duties be demanded of you by the old government, you are forbidden by the committee to pay the same.

Done at Galveston, this the day and date above written, by order of the committee.

John C. Robertson,
Chrm'n of the Com. on Public Safety.

Attest:

R. T. Brownrigg, Sec'y to Com.

(Document marked D.)

Galveston, Feby 25th, 1861.

Know all men by these presents, that the Texas and N. O. Rail Road Company is hereby indebted to the State of Texas, (in its sovereign and independent capacity,) in such sum of money as will amount to the duties which have heretofore been levied upon railroad iron by the late Federal government, whenever the State or its legitimate officers of the revenue shall demand the same, for a cargo of rails imported on the ship or vessel called the *Sangeen*, from Liverpool, in Great Britain, now lying outside the harbor at Galveston, and being discharged and received by said railroad company by virtue of an order given to the president of said company and executed by John C. Robertson, chairman of the committee of Public Safety, and verified by R. T. Brownrigg, secretary of said committee, and dated Galveston Feb'y 24th, 1861, and in accordance with the 3rd section of an ordinance, passed by the congress of the (Southern) Confederate States of America, at the city of Montgomery, Feb'y 18th, 1861; said cargo, consisting of 501 tons, 12 cwts., 2 qrs., and 13 lbs. Invoice price, £5 5s 0d, per ton.

In testimony of which said company has caused its president and secretary to execute this bond.

A. M. Gentry.
President T. & N. O. R. R. Co.

Chas. M. Congreve,
Treasurer

(Document marked E.)

Galveston, Texas,
Feb'y 26, 1861.

Gen. S. Sherman:
Dear Sir:

The undersigned in behalf of the committee of Public Safety desire to make known to you that said committee in their judgment, having discharged the duties immediately incumbent upon them and provided in the best manner they have been able for the security of the State and protection of its citizens, upon the happening of any contingency most likely to arise, and adjourned their sittings from this place to the city of Austin, having great confidence in your patriotism, which has so justly become a part of the history of our country, and your zeal in behalf of the cause in which we are engaged, not knowing but what some pressing emergency might arise, requiring a military defence of your city or other duties of like character, and duly appreciating the condition your people might be placed in without some one to give direction to their energies, have confided to you the exercise of that trust; therefore, feel yourself authorized by the committee, upon the happening of such emergency, and until you are relieved by some person duly appointed to do so, to do and perform in the premises, for defence and security only, whatever your good judgment may consider requisite, and to transmit, by express if need be, to the committee or Convention, at Austin, any information you may from time to time be in receipt of, that should be known at once.

Hoping no cause may arise for the exercise of the duties and powers herein conferred, we subscribe ourselves with great respect,

Yours, etc.,
Jas. J. Diamond,
A. T. Rainey,
Jas. R. Armstrong.

(Document marked F.)

Galveston, Texas,
Feb'y 25th, 1861.

Gen. Sidney Sherman.
Dear Sir:

The committee of safety appointed by the Convention have, as I understand, made such arrangements as they thought would subserve the interests of the State until the Convention shall have met and taken further action.

Should any emergency happen, which would require prompt action by the citizens of Galveston, in the mean time, I request that you should take the lead in it, in the absence of Gen. Nichols, and if he should be here, please consult with him in relation to it. I have no doubt that the captains of your volunteer companies will act with you in the matter. And should any intelligence arrive here, affecting our movements or connected with the public safety, please to see that it is forwarded to the Convention.

I have no authority, and do not assume any, to make a formal appointment, but make this request, as I think some one should be here to look after our interests, etc.

I will call this subject to the attention of the committee or of the Convention as soon as we meet, and will write to you about it.

Yours, etc.,
O. M. Roberts.

P. S.

I feel assured that should any such emergency arise the Convention would be pleased to have the benefit of your prudence and patriotism.

O. M. R.

(Letter from Gen'l Sherman.)

Galveston, March 6th, 1861.

To the Hon. J. C. Robertson,
Chrm'n of the Committee of Safety:
Sir:

Agreeable to instructions received from your committee, I have taken charge of the guns and other material brought from Brazos Santiago by the steamer *Rusk* and the schooner *Shark*, consisting of 2 siege guns, 24 pounders; 4 battery guns, 24 pounders; 2 brass 24 pound howitzers, without carriages; 2 brass guns, iron mounted; two 8 inch mortars, with beds; also about 300 round shot and canister for the same.

I am now having made, under the superintendence of Lt. Stevens, late of the U. S. engineer corps, the necessary platforms to enable me to place them in battery.

After the steamer left on Friday, with the re-inforcements called out by Gen. Nichols, 68 men arrived from Jefferson county, in compliance with that call, and reported themselves to me. Not feeling authorized in sending them forward, I requested the committee of safety of this city to act in the case, at the same time I recommended their being received into service, on condition they would enlist for 6 months, if not sooner discharged; this was agreed to by the men and the course adopted by the committee, consequently I enrolled them for 6 months. I deemed this advisable, even should all the posts west be given up; in fact, in that case, I considered the greater necessity for these men, inasmuch as most of the troops gone to the Rio Grande were planters, merchants and clerks, who would not be willing to do garrison duty, but on the contrary would be anxious to return. I explained the matter to Gen. Rogers on his return from New Orleans, and he approved of the course I pursued.

Should Mr. Lincoln's policy be such as to require the use of guns here at all, it is all important we should have them of much larger size, say 68 pounders.

I requested Capt. Todd, on leaving for Austin, to suggest to you the propriety of ordering a quantity of small arms and ammunition from San Antonio; in fact, we have not a pound of powder here.

The 500 stand brought from New Orleans by Gen. Rogers will not be sufficient to supply the companies now organized here and at Houston, and furthermore I would remark that no accoutrements came with the guns, neither are there any side arms here. I presume there are a large amount of these articles at San Antonio. Gen. Twiggs tells me there are upwards of 10,000 stand of arms at that post.

Another subject permit me to call to your attention. Capt. Rogers, who was reinstated in command of the revenue cutter by your authority, found himself without the necessary supply for his vessel. Mr. Stewart, the collector, whose duty it has been, by virtue of his office, to sign the commander's requisition for such supply, as well as the pay roll of the men, refused to do so for the supplies and pay for the month of March. Capt. Rogers called on me in regard to the matter. I told him I would see that he was supplied. A merchant, however, on his own requisition supplied him for this month.

I would further state that Mr. A. M. Gentry called on me yesterday and stated he had been here some days with vessels for the purpose of receiving the cargo of railroad iron from the brig *Sangeen;* that the inspector refused to give it up on the order of your committee, which Mr. Gentry told me he held. He refused on the ground that it was subject to duties for the benefit of the Federal government. I told Mr. Gentry to produce the order of your committee, and I would endeavor to procure the release of the iron, which I did and trust it will meet your approbation.

Permit me also to say a word in regard to Lieut. Stevens. His position, however, is fully understood by one of your committee, Gen. Rogers. I would remark, however, that the lieutenant stands high in his profession as an engineer; has served in the U. S. army for upwards of ten years in that capacity and, according to the rule of the army, would be entitled to the rank of captain in 1862. He resigned his commission on the 2nd day of March, and now offers his services to the State of Texas. He would prefer a situation in the engineer or artillery corps. I would most respectfully recommend him to the Convention for the post of captain of engineers.

This morning I received information of the arrival in this port of a schooner of 300 tons, belonging to the Federal government, having on board a small quantity of oil, intended for the lighthouses on this coast. With the advice of the committee of safety of this city, I took charge of her and placed her under the eye of Capt. Rogers of the revenue cutter, until instructions from the Convention could be had. She is a very fine vessel of her class, about five years old.

Most respectfully, your obd't servant,

S. Sherman.

REPORT NO. 8.

Additional Report of the San Antonio Mission.

Committee Room, March 11, 1861.

Hon. O. M. Roberts,
President of the Convention.

The committee on Public Safety beg leave to submit herewith vouchers handed them by the commissioners heretofore appointed to San Antonio. By them it will be seen that they have received the sum of $32,943, and have paid out of the same the sum of $1,174.92. The committee have examined the vouchers of said commissioners and find them correct; that said expenditures have been made with prudence and economy. It is but due to say that of the sum so expended by them, only the sum of $300 was expended in securing and getting possession of the property at San Antonio; the balance was paid to the officers and agents who were employed by the United States to bring the money aforesaid from New Orleans, and they thought, very properly, it was a just charge upon the fund itself, and the committee fully approve of the action of the commissioners on this subject.

They further report that against this fund there are debts outstanding and yet to be paid out, the amount they have not yet ascertained, but they believe after all has been paid there will be left belonging to the State about the sum of $23,000. With the view to place this money and the public property at San Antonio and other military posts, now in the hands of the commissioners, into the hands of proper officers, and to organize departments for the temporary management of the same, and to prevent the same from being wasted, the committee submit an ordinance for the adoption of the Convention. The committee state as a reason for nominating persons for that service that said persons are now occupying those stations by order of the commissioners, and have been found to be prudent, reliable and eminently qualified for the discharge of those duties.

Respectfully submitted, I have the honor to be, very respectfully,

John C. Robertson,
Chairman of Com. Pub. Safety.

Vouchers.

A.

The State of Texas in account with Commissioners of Public Safety, at San Antonio, Texas, in the months of February and March, 1861.

Debits.

To cash taken from safe of Capt. W. W. Reynolds, Ass't Quartermaster, U. S. Army,	$ 2,943.00
To cash belonging to the United States, seized upon, with money of the 3rd of March, 1861,	30,000.00
	$32,943.00

Credits.

By amount of expenditures within the month,	$ 1,174.92
By balance due the State of Texas, carried to next statement,	$31,748.00
	$32,943.00

B.

Abstract of expenditures in behalf of the State of Texas, by the Commissioners of Public Safety, on the 9th day of March, 1861.

To whom paid.	On what account.	Amount.
Lieut. S. M. Jones.	Expense account.	$ 700.00
S. B. Maclin.	Do.	135.00
Geo. E. Hinkley.	Expressman.	80.00
Wm. Burke.	Do.	14.00
Samuel Keer.	Do.	14.00
W. G. N. Samuel.	Clerk.	20.00
Messrs. Luckett and Maverick.	Expense account.	100.50
John McBride.	Clerk.	60.42
Logan, Sweet & Palmer.	Printing.	20.00
J. C. French.	Rent.	15.00
McLeod & Dasheill.	Printing.	5.00
B. R. Sappington.	Ambulance hire.	11.00
		$1,174.92

(Letter to Henry E. McCulloch.)

Office of Commissioners,
San Antonio, March 7th, 1861.

Col. H. E. McCulloch
Fort Chadbourne and Camp Colorado.

Dear Sir:

We have just received your favor of the 28th ult., and have to say that the necessary transportation, viz: wagons to transport U. S. troops from your upper posts, left here yesterday. Immediately on receipt of your letter, we made a contract with Mr. Hunter for 200 bushels of corn for your own use. This we do from our anxiety to enable you to carry out your desires, and we do confidently hope the Convention will justify our action. Mr. Hunter leaves to-morrow morning and will overtake the wagons and put the corn on board at Fredricksburg. Please forgive us for cautioning you to use the corn with the greatest stinginess, as the price is $2.25 at Fredricksburg, and if we had not there wagons on the road we fear that we could not now have sent it at all. The Convention has placed no funds yet in our hands.

The terms of the surrender are just what you consider them to be. All necessary supplies will be furnished out of what we have taken to enable the army to reach the coast, of which please give notice to Capt. Smith and others.

Judge Devine went a week since to the Convention, we have no late news of much importance.

Very respectfully, your obd't servants,
P. N. Luckett,
S. A. Maverick,
Commissioners.

REPORT NO. 9.

Report of Committee appointed to wait upon Governor Houston.

Committee Room, March 21, 1861.

To the Hon. O. M. Roberts,
President of the Convention:

The committee on Public Safety beg leave to report to the Convention that on the 4th day of Feb'y, 1861, having matured their plans for the seizure of the property in the hands of the Federal officers in the State, and selected the officers to perform that duty, on motion, a sub-committee of three, to-wit: Gen. W. P. Rogers, Hon. W. S. Oldham and Hon. T. J. Devine were appointed to confer with Gen. Sam Houston, the then executive of the State. The committee proceeded at once to perform that duty. On their return they were requested to make their report to the committee in writing, which was accordingly done. This report is herewith submitted to the Convention.

To Hon. John C. Robertson,
Chairman Committee of Public Safety:

The undersigned, a committee to wait upon His Excellency, Sam Houston, respectfully report that on the day the Convention adjourned Mesrs. Rogers, Devine and Oldham were appointed a sub-committee, by the committee on Public Safety, to wait on and confer with Gov. Houston in regard to the duties of the committee, and to assure him that the committee would exercise no powers that would conflict with his as the executive of the State.

The sub-committee visited the governor in the executive office. They advised him of the objects of their mission, and to prevent misunderstanding between him and the committee of Public Safety, and that the latter would not attempt the execution of any power that properly belonged to him as the executive of the State. He expressed his gratification at our visit and the assurance which we gave him. We then expressed to him the certainty, in our opinion, of the ordinance of secession being ratified by the people. We then suggested to him the propriety of securing the Federal property and arms in the State in anticipation of that event. He said it should be done by all means; that it should be done with promptness and prudently; that he had understood that unauthorized men had contemplated taking the property, and had therefore advised Gen. Twiggs and had asked of the general upon what condition the arms, etc., would be surrendered to the State; that he had received an answer from the general which he would furnish as soon as his private secretary should come in, which he subsequently did. He said that the property should be taken in the name of the State, inventory be made, and everything be faithfully preserved, and suggested the propriety of removing the artillery and everything pertaining thereto higher up the river; that prudent men should have charge of the expedition; that the disbursing officers should be responsible men and should give bond, etc. Upon a question by Gen. Rogers, he stated that Cortinas might make another raid, and that the force sent to the Rio Grande should be sufficient to repel him. It was agreed between the governor and the committee that he could not perform those duties while Texas remained in the Union and his oath to support the constitution of the United States remained binding on him.

The governor further stated that secrecy was of the first importance in our contemplated movements on the Rio Grande. In conversation, he said, he heard that it had been charged upon him that he had sent a special messenger to Gen. Twiggs in order to get arms to turn against the State Convention; that it was untrue, and he never would be instrumental in the shedding of fraternal blood.

W. P. Rogers,
W. S. Oldham,
Thos. J. Devine.

On the reception of this report, the committee were very much relieved, from the apprehension which existed, that the State authorities might be induced to throw obstacles in the way of the plans they had adopted to obtain the Federal property. The committee are gratified that the late executive, in a patriotic moment, coincided with the committee in their views about the propriety of obtaining possession of the Federal property. The committee fully sympathised with the governor on account of his conscientious scruples, growing out of his official oath, in regard to securing the property of the State. They, however, do not reproach themselves with having proposed to him to violate his conscience. It is true that the governors of Georgia, Alabama, Mississippi, Louisiana and Arkansas had established precedents which might have authorized the committee in concluding it was not sacrilegious, but they did not see proper to ask him to obtain the arms.

Having fully matured their plans, selected their officers and agents, and having settled down in a fixed determination to carry out their views from a conviction of their propriety and imperative necessity, the committee have not thought it necessary or conducive to the public safety to confer with the late governor since the reassembling of the Convention on these subjects, believing as they do that his endorsement could not make their success more perfect than it has been.

I have the honor to be, yours respectfully,

John C. Robertson,
Chrm'n of Com. on Public Safety.

APPENDIX TO REPORT OF THE COMMITTEE ON PUBLIC SAFETY.

Austin, March 29th, 1861.

The following communication was received from Col. John S. Ford after the Convention adjourned. It being, however, an official document, I have had it printed herewith.

John C. Robertson,
Late Chrm'n of Com. on Public Safety, State Con[vention.]

Headquarters, Rio Grande Mil. Dist.,
Brownsville, March 20th, 1861.

Sir:

I have the honor to report operations since the 13th inst.

The command at Brazos Santiago was reorganized, and those desiring to return home were allowed to do so. Six companies were mustered into the service for six months, unless sooner discharged. They are commanded by Capt. Edwards, Redwood, Waller, Powers, Donnelly and Tomlinson. When the rolls shall have been completed and returned to me, they will be forwarded to Austin. These companies are now on the march to this place and will reach this vicinity to-night. The U. S. troops will, it is understood, leave here tomorrow morning and the Texas forces will then take possession of Fort Brown.

Capt. Powers is stationed at Brazos Santiago in command of 60 men. A company of infantry will be required to garrison Fort Brown, half a company will be posted at Edinburg, one company at Ringgold barracks, half a company at Redmond's ranch, opposite Guerrero, Mexico, one company will garrison McIntosh, and it will be necessary to station detachments at points I am not now able to indicate. If Mexico remains pacific in her policy towards us, and Indian forays cease, the number of men may, perhaps, be reduced; but, whenever this line is weakened, it simply invites attack. I am thoroughly convinced the Mexicans will let slip no chance to annoy us and retrieve their many defeats. Raids would be frequent, should the means of chastisement be not near at hand. For the present, a demonstration of some strength is indispensably necessary. Gen. Zaragosa is *en route* for Monterey at the head of 8,000 men. His reputed object is to put down Gen. Vidaurri. When he shall have arrived the tone of the Mexicans will no longer be conciliatory. I know them and can safely say there is not a more overbearing people on earth, when they have the ascendency or feel backed up by universal superiority. These are not all the reasons for the policy I advocate. From various points on the Rio Grande, the Nueces and the Frio, authenticated accounts of Indian depredations have reached me. Twenty-seven persons are reported to have been killed, many ranches plundered, and hundreds of head of stock been driven off. Companies of citizens have been in pursuit and two skirmishes have ensued, resulting in the loss of one Mexican, the killing of one Indian, the wounding of two, and the recapture of some horses. The depredators are reported to consist of Indians, Mexicans and a few white men. Immediately upon receiving reliable information of a descent of the Indians I directed Capt. Littleton with his mounted company to move across the country in the direction of the Salt Lake and to make suitable dispositions for pursuing and chastising the marauders. Capt. Nolan had previously left Ringgold barracks with a large detachment with a like object. They have been absent near a week without having reported. I hope they will be successful.

The mounted men will be kept in the field constantly. Depots for supplies will be necessary and these should be guarded by infantry.

It is probable a company of mounted men will have headquarters at or near old Fort Ewell on the Nueces, another near Laredo, and another at a point to be determined by circumstances.

Should the captains not be able to fill up their companies to the full number, they can get recruits from the mounted men which should be on the march for this place. If necessary, one or more infantry companies may be mounted.

The ordnance, ordnance stores and other public property now on this line should, by all means, remain. They were placed here by military men who conceived them necessary. If they were so when Texas was in the Union, how much more are they so now? The Mexicans have never abandoned the idea of re-conquering Texas; they think it is ''manifest destiny'' that their flag shall again wave in triumph from the Sabine to the Rio Grande. Strip this line of artillery, of supplies, of all proper material to render a command efficient, and you place the whole frontier of the lower Rio Grande at the mercy of any marauding chief who may choose to invade it. You show yourselves wanting in military foresight. You destroy confidence and, in short, you depopulate. The base of operations for the line I command is Brazos Santiago. Through that port millions of dollars in merchandise pass annually. It has water communications with Roma—a distance of one hundred and sixty-three miles by land—and the same could be extended to or near Laredo. Depots should, of course, be established in this line. The idea of establishing a depot nearly 400 miles from important points on a frontier is an absurdity. No military man would think of it. These suggestions are made on account of an order from Gen. E. B. Nichols to send a battery to Galveston for the use of the Galveston artillery. In my judgment the battery is needed here more than in any other part of the State. What is the use of going to the cost of transporting public property from this point to San Antonio, when in all probability it will have to be sent back in a short while? It would be an unprofitable expenditure of money, destructive to the articles transported, and, what would be worse than all, extremely dangerous to the peace and safety of this frontier. In my opinion, if you adopt the policy suggested by the commissioner, you may prepare to meet the receding population on the banks of the Nueces in a few months and to reconquer or abandon this military district. It is not in keeping with our true interests to make war upon Mexico now and it may not be hereafter, yet that is no proof of the Mexican idea of the proper line of conduct for that nation to pursue. She may make the war, and I have no doubt she will if she deems success at all probable. They cling to the illusive notion that they would have gained all the battles during the war with the United States had not American gold bribed their officers. A people who can thus believe, with all the facts to the contrary, can be brought to stickle at nothing presented for the exercise of their credulity. For these and many other reasons, obvious to any one versed in military matters, I deem it imprudent and unsafe to adopt the plan suggested by Gen. Nichols.

In order to give efficiency to the mounted men, I found it necessary to purchase a number of Sharpe's rifles. The fact is, quite a number of the men had no guns of any sort, and their services were required. There was no alternative but to arm them myself.

Up to this time I have received no communication from the committee of Public Safety. I addressed you communications dated Feb'y 22nd, 25th, March 6th, 7th, 12th, 13th and at other times. I am at a loss to know whether they are received. If not you will please notify me, and I will forward copies.

Since writing the above, the command arrived and the Texas troops are now in possession of Fort Brown. The Lone Star flag now floats from the staff from which the Stars and Stripes were lowered this morning. There is another corps of U. S. troops to arrive yet, and then no more will remain in my military district. Secession is now almost complete.

Companies are soon to be on the march for the upper posts. They are already occupied by detachments of Capt. Nolan's command. I have ordered the quartermaster to send 20,000 rations of subsistence to this point, and when it arrives the companies will march.

I have the honor to be, your obd't servant,

John S. Ford.
Col. Comd'g Rio Grande Mil. Dist.

Hon. John C. Robertson,
Chrm'n Committee Public Safety.

MEMBERS OF THE COMMITTEE ON PUBLIC SAFETY.

Members of the Committee who remained in session during the recess of the Convention.

John C. Robertson*	of	Smith	county, Chairman.
James H. Rogers*	“	Marion	“
A. T. Rainey*	“	Anderson	“
J. R. Armstrong*	“	Rusk	“
W. P. Rogers*	“	Harris	“
J. M. Norris*	“	Coryelle	“
T. J. Devine	“	Bexar	“
W. G. Miller	“	Bastrop	“
J. J. Diamond*	“	Cooke	“
C. L. Cleveland*	“	Liberty	“
P. N. Luckett	“	Nueces	“
T. S. Lubbock*	“	Harris	“
Jno. A. Green	“	Travis	“
John Henry Brown	“	Bell	“
J. G. Thompson	“	Fannin	“
James Hooker	“	Hunt	“
F. W. Latham	“	Cameron	“
Charles Ganahl	“	Kerr	“
John S. Ford	“	Cameron	“
W. S. Oldham	“	Washington	“
Jerome B. Robertson	“	Washington	“

R. T. Brownrigg of Travis co., Secretary to the Com.

B. F. Durham of Rusk co., Sergeant-at-arms to the Com.

J. H. Rogers was sent commissioner to Louisiana.

T. J. Devine and P. N. Luckett, commissioners to San Antonio.

J. M. Norris, bearer of dispatches and money to Col. H. E. McCulloch.

Jno. S. Ford, elected to command the Rio Grande expedition.

W. S. Oldham, resigned, and J. B. Robertson substituted for him.

*Members who were in session at Galveston.

The remainder of these were granted leave of absence from the Committee.

APPENDIX III.

List of Delegates

List of the names of the members of the Convention, with nativity, age, date of immigration, occupation and postoffice address as published in the *State Gazette* (Austin) of February 9th and March 30th. 1861.

Names of the Delegates who served in the Convention of the People of Texas, assembled at the City of Austin, January 28, 1861; and also of the Delegates who served only at the Adjourned Session, assembled March 2, 1861.

Name.	Nativity.	Age.	Immigrated.	County.	Occupation.	Post Office.
Roberts, O. M., President	S. C.	45	1841	Smith	Supreme Judge	Tyler
Abercrombie, L. A.	Ala.	28	1854	Walker	Lawyer	Huntsville
Adams, W. S. J.	Ky.	24	1860	Dallas	"	Dallas
Allen, W. A.	N. C.	28	1847	Hardin	"	Hardin
Anderson, J. M.	Tenn.	35	1850	Cherokee	"	Rusk
Anderson, T. S.	"	34	1852	Colorado.	"	Eagle Lake
Armstrong, J. R.	"	38	1848	Rusk	"	Henderson
Askew, R. L.	Ga.	37	1849	Hopkins	Planter	Woodland
Batte, N. C.	Va.	42	1846	Titus	Farmer	Snow Hill
Beasley, S. W.	Ga.	51	1852	Upshur	Merchant	Gilmer
Bogart, S.	Tenn.	65	1836	Collin	Farmer	Montgomery
Box, J.	"	57	1834	Houston	"	Crockett
Burroughs, J. M.	Ala.	31	1843	Sabine	Lawyer	Milam
Burton, J. I.	S. C.	65	1841	Houston	Planter	Crockett
Burdett, H. N.	Ala.	40	1833	Travis	"	Austin
Black, S. E.	Ark.	35	1852	Upshur	"	Coffeeville
Blythe, W. T.	Tenn.	39	1837	Hopkins	Stock Raiser	Tarrant
Bradshaw, A.	"	35	1849	Ellis	Lawyer	Waxahachie
Brahan, R. W.	"	49	1854	Bexar	Planter	Lavina
Broaddus, A. S.	Va.	51	1854	Burleson	Lawyer	Caldwell
Brown, John Henry	Mo.	40	1834	Bell	Printer	Belton
Campbell, R. C.	Md.	50	1839	Galveston	Planter	Galveston
Casey, L. F.	Ill.	38	1852	Shelby	Lawyer	Shelbyville
Chambers, W.	Va.	39	1844	Chambers	"	Willisville
Chambers, T. J.	"	58	1829	"	Planter	"
Chambers, J. G.	"	63	1840	Titus	Merchant	Dangerfield
Charleton, N. B.	Tenn.	46	1837	Tyler	Planter	Woodville
Chilton, G. W.	Ky.	32	1851	Smith	Lawyer	Tyler
Chism, I.	Miss.	42	1837	Kaufman	Planter	Rockville
Clark, W.	Ga.	30	1834	Nacogdoches	Lawyer	Nacogdoches
Clayton, J. A.	Tenn.	43	1835	Hill, Navarro	Farmer	Mosquite
Cleveland, C. L.	Ky.	36	1833	Liberty, Polk	Lawyer	Liberty
Clopton, A. G.	Ga.	31	1853	Cass	Physician	Douglasville
Coke, R.	Va.	31	1850	McLennan,	Lawyer	Waco
Cook, J. E.	S. C.	39	1858	Tarrant	Blacksmith	Birdville
Cox, N.	O.	30	1847	Starr	Merchant	Roma
Dougherty, E.	Ireland	40	1820	Hidalgo	Ranchero	Rudyville
Dancy, J. W.	Va.	50	1836	Fayette	Lawyer	La Grange
Davenport, T. G.	S. C.	52	1838	Panola	Planter	Bethany
Davidson, A. H.	N. C.	45	1854	Colorado	Lawyer	Columbus
Deen, C.	Tenn.	50	1836	San Augustine	Planter	San Augustine
Devine, T. J.	N. S.	40	1825	Bexar	Lawyer	San Antonio
Diamond, J. J.	Ga.	33	1860	Cooke	Farmer	Gainesville
Diamond, W. W.	"	29	1858	Grayson	Lawyer	Sherman
Donelson, J.	Tenn.	29	1855	Live Oak	Ranchero	Gussettsville
Dunham, J. H.	"	41	1837	Grimes	Farmer	Courtney
Edwards, H. H.	Va.	47	1825	Nacogdoches	Merchant	Nacogdoches
Earley, E.	Ky.	50	1839	Fannin	Farmer	Ladonia
Fall, J. N.	Ga.	50	1837	Nacogdoches	Physician	Chireno

Name.	Nativity.	Age.	Im'mi-grated.	County.	Occupation.	Post Office.
Field, D.	Tenn.	33	1838	Panola.	Lawyer	Carthage
Feeney, J. H.	Ala.	29	1854	Robertson	“	Wheelock
Flournoy, G. M.	Ga.	28	1854	Travis	“	Austin
Ford, J. S.	S. C.	44	1836	Cameron		
Ford, S.	Tenn.	30	1854	Caldwell	Lawyer	Lockhart
Frost, T. C.	Ala.	27	1856	Comanche	“	Comanche
Galloway, A. P.	Ga.	44	1850	Rusk	Physician	San Cosme
Ganahl, C.	”	32	1858	Kerr	Stock Raiser	Zanzenbourg
Graham, M. D.	Ala.	34	1854	Rusk	Lawyer	Henderson
Graham; R.	Ky.	33	1851	Bee	Ranchero	Beeville
Gray, P. W.	Va.	41	1838	Harris	Lawyer	Houston
Green, J. A.	Tenn.	39	1845	Travis	“	Travis
Gregg, J.	Ala.	32	1852	Freestone, etc.	“	Fairfield
Gould, R. S.	N. C.	34	1850	Leon	“	Centerville
Hardeman, W. P.	Tenn.	44	1835	Guadalupe	Planter	Plum Creek
Hayes, J. R.	Md.	48	1849	Houston	Lawyer	Crockett
Herbert, P. T.	Ala.	35	1845	El Paso	“	El Paso
Hicks, A. W. O.	Tenn.	44	1838	Shelby	“	Shelbyville
Hill, T. B. J.	Ga.	47	1840	Bastrop	Planter	Bastrop
Hobby, A. M.	”	25	1857	Refugio	Merchant	*St. Mary's*
Hogg, J. L.	”	53	1841	Cherokee	Lawyer	Rusk
Holt, J. J.	Ky.	39	1847	Calhoun		Lavaca
Hooker, J.	Tenn.	54	1840	Hunt	Planter	Hooker
Hoard, E. R.	Va.	34	1846	Starr	Lawyer	Rio Grande
Howard, R.	Me.	34	1846	El Paso	“	El Paso
Hoyle, A. C.	Tenn.	37	1853	Johnson	Farmer	Grandview
Hughes, T. P.	Ky.	33	1851	Williamson	Lawyer	Georgetown
Hutchinson, J. W.	Va.	30	1854	Grimes	”	Anderson
Ireland, J.	Ky.	34	1853	Gonzales	”	Seguin
Jennings, Thos. J.	Va.	55	1840	Cherokee	”	Alto
Johnson, J. F.	Tenn.	35	1845	Titus	Farmer	Lone Star
Johnson, W. H.	Ala.	—	——	Lamar	Lawyer	Paris
Jones, F.	Ky.	52	1837	Victoria	“	Victoria
Kelly, W. C.	Tenn.	46	1844	Rusk	Farmer	Henderson
Koester, T.	Germany	43	1844	Comal	Physician	New Braunfels
Lesueur, C. M.	Ala.	36	1852	Milam	Farmer	San Andres
Latham, F. W.	Conn.	42	1846	Cameron	“	Brownsville
Lea, Pryor	Tenn.	66	1847	Goliad	Lawyer	Goliad
Lester, J. S.	Va.	63	1834	Fayette	Planter	La Grange
Littleton, J.	Tenn.	35	1856	Karnes	Ranchero	Helena
Locke, M. F.	Tenn.	36	1850	Upshur	Planter	Lafayette
Lofton, O.	Ala.	27	1856	Smith	”	Mt. Vernon
Lubbock, T. S.	S. C.	43	1835	Harris	Stock Raiser	Houston
Luckett, P. N.	Va.	26	1847	Nueces, Webb	Physician	Corpus Christi
Maltby, H. A.	O.	30	1851	Nueces	Editor	Corpus Christi
Marshall, J.	Tenn.	29	1854	Grayson	Lawyer	Sherman
Maxey, J. M.	Ala.	40	1847	Polk	Judge 15 Dist	Cold Springs
McCraven, Wm.	S. C.	60	1837	Harris	Physician	Houston
McCraw, T. M.	Va.	35	1853	Llano	Stock Raiser	Burnet
McIntosh, W.	”	40	1852	Brazos	Merchant	Boonville
McKay, G.	N. C.	31	1846	Harrison	Lawyer	Marshall
Miller, W. G.	Ala.	41	1852	Bastrop	Planter	Bastrop
Mills, A. N.	Va.	36	1852	Gonzales	Lawyer	Gonzales
Moore, T.	Ky.	45	1853	Burnet	“	Burnet
Moore, T. C.	Ala.	45	1851	Fayette	Planter	La Grange
Moore, L. W.	Ky.	29	1853	Henderson	Lawyer	Athens
Montel, C. De.	Germany	48	1835	Medina	Planter	Castroville
Moss, B. F.	Va.	43	1851	Lavaca	“	Hallettsville
Muller, J.	Germany	39	1846	Galveston	Merchant	Galveston
Nash, T. J.	Va.	52	1854	Dallas	Farmer	Dallas
Nauendorf, A.	Germany	39	1849	Bexar, Medina	Merchant	San Antonio
Neel, T. C.	Ga.	35	1853	Ellis	Farmer	Wilton
Nelson, A.	”	39	1858	Bosque	Lawyer	Meridian
Newsome, J. F.	”	41	1853	Upshur	Broker	Pittsburg
Neyland, W. M.	La.	32	1849	Jasper	Physician	Jasper
Nichols, E. B.	N. Y.	45	1838	Galveston	Merchant	Galveston
Nicholson, E. P.	Miss.	34	1852	Dallas	Lawyer	Dallas
Nicholson, A. J.	Ark.	33	1839	Fannin	Farmer	Honey Grove
Norris, J. M.	S. C.	41	1840	Coryell	Lawyer	Gatesville
Obenchain, A. T.	Va.	36	1852	Parker	Farmer	Weatherford
Ochiltree, W. B.	N. C.	49	1839	Harrison	Lawyer	Jefferson
Oldham, W. S.	Tenn.	47	1849	Washington	”	Brenham
Palmer, R. J.	Va.	31	1853	Montgomery	”	Montgomery
Payne, W. K.	Ala.	39	1834	Henderson	Planter	Malakoff
Payne, W. M.	”	36	184[illegible]	Hopkins	Lawyer	Bright Star
Peck, W. M.	Tenn.	38	184[illegible]	Freestone	Planter	Fairfield
Poag, W. R.	S. C.	38	184[illegible]	Panola	Lawyer	Carthage
Pope, A.	Ga.	42	185[illegible]	Harrison	“	Marshall
Portis, D. Y.	N. C.	47	183[illegible]	Austin	“	Bellville

Name.	Nativity.	Age.	Immigrated.	County.	Occupation.	Post Office.
Prendergast, D. M.	Tenn.	42	1842	Limestone	Lawyer	Springfield
Preston, W. F.	Va.	31	1859	Comal	Farmer	New Braunfels
Price, T. P.	Tenn.	32	1849	Newton	“	Belgrade
Rainey, A. T.	Ala.	36	1854	Anderson	Lawyer	Palestine
Rains, J. D.	Texas	28	----	Wood	Merchant	Springville
Reagan, J. H.	Tenn.	42	1839	Anderson	Lawyer	Palestine
Rector, C.	”	56	1830	Wilson	Planter	Lavernia
Rhome, P. G.	N. Y.	54	1854	Cherokee	Merchant	Jacksonville
Robertson, E. S. C.	Tenn.	40	1832	Lampasas, Bell	Stock Raiser	Salado
Robertson, J. C.	Ga.	35	1851	Smith	Lawyer	Tyler
Robertson, J. B.	Ky.	46	1836	Washington	Physician	Independence
Rogers, J. H.	Ga.	45	1844	Marion	Lawyer	Jefferson
Rogers, W. P.	Ala.	40	1851	Harris	”	Houston
Ross, E. M.	N. Y.	45	1854	Bandera	Planter	Bandera
Rugeley, J.	S. C.	69	1840	Matagorda	“	Hardeman
Runnels, H. R.	Miss.	40	1842	Bowie	Farmer	Boston
Scott, W. T.	Miss.	49	1840	Harrison	Planter	Marshall
Shuford, A. P.	N. C.	24	1855	Wood	Lawyer	Quitman
Scurry, W. R.	Tenn.	39	1839	DeWitt	“	Clinton
Shepard, J. E.	Va.	42	1845	Washington	“	Brenham
Smith, G.	Ala.	45	1847	Fannin	Planter	Bonham
Smith, S. S.	Mass.	49	1837	Bexar	Farmer	San Antonio
Stell, J. D.	Ga.	56	1855	Leon	Planter	Bowery
Stewart, C.	Tenn.	24	1845	Falls	Lawyer	Marlin
Stewart, W. H.	Md.	42	1844	Gonzales	“	Gonzales
Stewart, J. G.	Tenn.	38	1857	Anderson	“	Palestine
Stockdale, F. S.	Ky.	34	1846	Calhoun	“	Indianola
Taylor, P.	Tenn.	44	1843	Dallas	Planter	Lancaster
Terry, B. F.	Ky.	39	1835	Fort Bend	“	Sugar Land
Terry, Nat	Va.	62	1854	Tarrant	“	Fort Worth
Thomason, E.	Tenn.	40	1856	Williamson	“	Georgetown
Thompson, J. G.	S. C.	59	1838	Grayson	“	Woodboro
Throckmorton, J. W.	Tenn.	36	1841	Collin	Lawyer	McKinney
Todd, W. S.	Va.	50	1843	Marion	Judge 8 Dist	Jefferson
Waller, E.	”	60	1831	Austin	Farmer	Waller
Walworth, J.	N. Y.	53	1848	Cameron	Ranchero	Brownsville
Ward, R. H.	Ala.	29	1850	Marion	Lawyer	Jefferson
Warren, W.	Miss.	30	1853	Cass	Farmer	Linden
Watkins, J. C.	Ga.	60	1848	Hays	Planter	San Marcos
Wharton, J. A.	Tenn.	31	1829	Brazoria	Lawyer	Brazoria
Weir, J. P.	Va.	29	1854	Hill, Navarro	“	Hillsboro
Wilcox, J. A.	N. C.	40	1854	Bexar	“	San Antonio
Wiley, A. P.	Ga.	38	1846	Walker	Lawyer	Huntsville
Williams, B.	Tenn.	36	1856	Lavaca	Stock Raiser	Moulton
Williams, L. H.	Ky.	41	1857	Lamar	Lawyer	Paris
Wilson, J.	N. C.	54	1835	Hunt, Fannin	Planter	Ladonia
Work, P. A.	Ky.	28	1838	Tyler	Lawyer	Woodville
Wright, G. W.	Tenn.	50	1816	Lamar	Merchant	Paris

Officers.	Nativity.	Age.	Immigrated.	County.	Occupation.	Post Office.
R. T. Brownrigg, Secretary	N. C.	29	1853	Travis	Lawyer	Austin
W. D. Schoolfield 1st Asst Sec	------------	--	----	Walker	----------	Huntsville
R. W. Lundy. 2nd Asst Sec	Ga.	33	1858	Dallas	Lawyer	Dallas
B. T. Durham Sergt at Arms	N. C.	25	1852	Rusk	None	Henderson
A. T. Logan Asst Sergt at Arms	Miss.	24	1837	Travis	Farmer	Austin
A. C. Hopkins Page	Tenn.	26	1839	”	Carpenter	”
Julius Rufus Brown Asst page	Texas	15	----	Bell	Ranchero	Belton
J. W. Johnson Doorkeeper	Ala.	33	1848	----------	Contractor	Larissa
Wilson Randle Asst Doorkeeper	Tenn.	45	----	Travis	Farmer	Austin

Delegates who served at the Adjourned Session, commencing March 2, 1861.

Name.	Nativity.	Age.	Immigrated.	County.	Occupation.	Post Office.
Beebe, S. P.	N. Y.	43	1852	Denton	Surveyor	Denton
Bagby, Geo. H.	Va.	56	1833	Red River	Planter	Clarksville
Baxter, Eli H.	Ga.	24	1854	Harrison	Lawyer	Marshall
Chambers, John A.	Va.	--	1860	Red River	Farmer	Clarksville
Henry, John R.	Tenn.	46	1837	Limestone	Planter	Springfield
Holland, J. L.	Miss.	42	1846	Jasper	Carpenter	Jasper
Harrison, J. M.	Tenn.	43	1846	Van Zandt	Farmer	Four Mile Prairie
Hunt, Wilkins	Ga.	62	1840	Victoria	Planter	Victoria
Hall, M. J.	Tenn.	38	1842	Harrison	Lawyer	Marshall
Henderson, J. W.	"	46	1836	Harris	"	Houston
Jones, Tignal W.	N. C.	38	1856	Smith	"	Tyler
Mason, George	Va.	30	1854	Galveston	"	Galveston
Mattox, Wm. A.	Tenn.	--	1846	Hunt	Farmer	Greenville
McCall, J. L. L.	Ky.	36	1853	McLennan	Lawyer	Waco
Montgomery, W. A.	Tenn.	31	1855	Washington	Planter	Independence
Nash, Wm.	"	52	1833	Kaufman	Farmer	Kaufman
Russell, Chas.	Canada	39	1845	Karnes	Lawyer	Helena
Stapp, D. M.	Ky.	45	1830	Calhoun	Farmer	Indianola
Wilson, Sam A.	Texas	26	----	Tyler	Lawyer	Woodville
Wilcox, J. H.	Mo.	41	1842	Denton	Farmer	Pilot Point
Word, T. J.	N. C.	56	1855	Anderson	Lawyer	Palestine

Note.—In attendance at the first session, 177; whole number, who actually served, including those elected to fill vacancies, 198; but the largest number ever in attendance at one time was 177. The Convention, when full, was to consist of 180 Delegates.

The vote on adopting the Ordinance of Secession was 167 in favor to 7 against. On adopting the declaration of causes it was unanimous. On ratifying the permanent Constitution of the Confederate States of America, the vote stood, yeas 128, nays 1.[1]

---

[1] *State Gazette*, Austin, March 30, 1861. The names of the Delegates and Officers of the Convention who attended the first session are reprinted from the issue of February 9, 1861. A few minor corrections were made by the publisher in the reprint.

APPENDIX IV.

CERTIFICATES OF ELECTION

The Certificates of Election have been included as an Appendix to the Journal of the Secession Convention on account of the unusual manner in which the election for delegates was called and held. An effort was made to use the legal machinery for holding elections, but as this could not be depended on with certainty throughout the State alternatives were provided. The certificates show where, when and how the elections were held, and to what extent the legal machinery responded in holding them. Certificates for all delegates have not been found. The original manuscript certificates are filed among the Miscellaneous Papers of the Secession Convention.

FIRST DISTRICT.—Counties: Jefferson, Chambers, Liberty*[1] and Orange (2).

I Benjamin Adair chief justice of the County of Liberty State of Texas duly qualified according to law do hereby Certify that at an election held in the district composed of the Counties of Chambers, Liberty, Jefferson and Orange in said State of Texas on the 8th day of January (Inst) A. D., 1861, Thomas Jefferson Chambers and William Chambers were elected delegates to represent said district in a State Convention to be held at the City of Austin in said State of Texas on the 28th day of January (Inst) A. D. 1861, agreeably to the returns of said election made to me by the managers thereof in said County of Liberty and the Chief Justice of the County of Chambers. No returns were made from Jefferson and Orange Counties.

Given under my hand and Seal of the County Court at Liberty the 21st day of January A. D. 1861.

[Seal]

Benjamin Adair
Chief Justice[2]

SECOND DISTRICT.—Counties: Liberty* and Polk (2).

I Benjamin Adair chief justice of the County of Liberty State of

---

[1] Where districts were composed of more than one county, the returning officer's county is designated by an asterisk(*). The number of delegates to which each district is entitled is indicated by the figure in parenthesis after the names of the counties composing the district.

[2] A. D. S.

Texas duly qualified according to law do hereby certify that at an election held in the district composed of the Counties of Liberty and Polk on the 8th day of January A. D. 1861, James M Maxey and Charles L Cleveland were elected delegates to represent said Counties of Liberty and Polk in a State Convention to be held at the City of Austin in said State of Texas on the 28th day of January (Inst) A. D. 1861, agreeably to the returns of said election made to me by the managers thereof in said County of Liberty and the Chief Justice of said County of Polk

Given under my hand and Seal of the County Court at Liberty the 21st day of January A D 1861.

[Seal] Benjamin Adair,
Chief Justice

I further certify that said Cleveland received four hundred and nine votes and said Maxey received four Hundred and five votes and that there were no votes polled for any other candidates in said Representative district

Given under my hand and Seal of the County Court at Liberty the 21st day of January A D 1861.

[Seal] Benjamin Adair
Chief Justice[3]

THIRD DISTRICT.—Counties: Tyler* and Hardin (2).

The State of Texas }
County of Tyler }

This is to Certify that at an Election held in the County of Tyler on the Twenty second day of December A D 1860 Phillip A Work was duly Elected a delegate to the State Convention to be held in the City of Austin or Galveston, Commencing on the 29th day of January 1861 he having received for said office

Given under my hand and Seal of office at Woodville this 25 day of December A D 1860

[Seal] Robert C. Fulgham
Chef Justice T. C. T.[4]

A certificate, same as above, was on same date issued to N. B. Charlton.

State of Texas }
County of Hardin }

I John W Crozier Chief Justice of Hardin County do hereby Certify that Wm A Allen was at an Election in the said

---

[3] [4] A. D. S.

County by order of the County Commissioners held on the 11th day of January A D 1861 Elected a Delegate to represent the will of the people of this County at the Convention to be held at Austin on the 28th day of Jan'y A D 1861

Given under my hand and seal of Office this the 15th day of January A D 1861

[Seal] John W Crozier
Chief Justice H. C.[4]

The State of Texas }
County of Tyler }

I hereby Certify that the following is the Result of an Election for Member to the State Convention of the State of Texas held by the Citizens of Tyler County to fill the vacancy of Phillip A Work resigned. Said Election held on the 7th day of March 1861 when Samuel A Willson received the following Number it being the highest Number received which was one hundred and thirty one

Given under my hand and official Seal of office at Woodville March 7 1861

[Seal] R. C. Fulgham
Chief Justice T. C. T[5]

FOURTH DISTRICT.—Counties: Jasper* and Newton (2).

The State of Texas }
County of Jasper }

I G. J. Goode Chief Justice of Jasper County do hereby Certify that at an Election held in Jasper County on the 23rd day of February 1861 for the Electing of a delegate to the State Convention to convene in the City of Austin on the 2nd day of March 1861, You J L Holland received two hundred eighty (280) votes which was the whole number of votes cast for delegate in the County. I therefore declare you elected delegate to represent said County

Given under my hand and official Seal this the 26th day of Feb. 1861

[Seal] G J Goode
Chief Justice J. C.[6]

---

[4] A. D. S.
[5] D. S.
[6] A. D. S.

FIFTH DISTRICT.—Counties: San Augustine* and Sabine (2).

The State of Texas }
County of San Augustine }

I, Ransom Sowell Chief Justice of said County hereby Certify that at an election held on the 8th day of January A. D. 1861 for members of a convention to assemble at Austin on Monday the 28th day of January A. D. 1961; Calloway Deen received 104 votes for county represented and James Boroughs received 104 votes to represent the Counties of Sabine and San Augustine.

To certify which I hereto set my hand on this 12th day of January A. D. 1861

R Sowell C J[7]

SIXTH DISTRICT.—County: Shelby (2).

The State of Texas }
Shelby County }

I E B Dysart Chief Justice in and for said State and County, do hereby Certify that in obedience to a request of the citizens of Shelby County in Mass meeting assembled on the 22nd December A D 1860 I unofficially ordered an election to be held in said County on the 8th day of January A D 1861 as recommended by many citizens of the State at the City of Austin, for two delegates to a State Convention to be holden at Austin the 4th Monday instant and that at said election then on the 8th January in said County held Lewis F Casey was elected one of said delegates

Given under my hand and seal of office the 15th day of January A D 1861

[Seal] E. B. Dysart
Chief Justice Shelby County[7]

A certificate, same as above, was on same date issued to Archibald W. O. Hicks.

SEVENTH DISTRICT.—County: Nacogdoches (2).

This is to certify that at an election held in Nacogdoches County State of Texas on the 19th day of Jany 1861 for Delegates to represent said County and the Counties of Nacogdoches and Angelina in the Convention to be held at the City of Austin on the 28th instant

---

[7] D. S.

Hon Wm Clark Jr. was by a majority of votes elected one of said Delegates.

Charles S. Taylor

Nacogdoches Jany 22nd 1861.[8]

P. S. I send Mr. Guinn's Certificate on the supposition that he may possibly go to Austin without coming through Nacogdoches.[9]

A certificate, same as above, was on same date issued to J. N. Fall.

EIGHTH DISTRICT.—Counties: **Nacogdoches* and Angelina** (2).

This is to certify that at an election held in Nacogdoches County State of Texas on the 19th day of January 1861 for Delegates to represent said County and the Counties of Nacogdoches and Angelina in the Convention to be held at the City of Austin on the 28th instant Hon. H. H. Edwards was by a majority of votes Elected one of said Delegates.

Charles S. Taylor

Nacogdoches Jany 22nd 1861.[10]

NINTH DISTRICT.—County: **Houston** (2).

The State of Texas }
County of Houston }

I, J. T. Heflin Chief Justice in and for said County hereby certify that at an election held in said County on the 8th day of January 1861, for delegates to the State Convention of the State of Texas to convene on the 28th Inst, In obedience to the order of the Chief Justice of said County, that John R. Hayes was duly elected a delegate to said Convention he having received 249 votes.

Given under my hand and seal of office at Crockett Texas this the 19 day of January 1861.

[Seal] J. T. Heflin
Chief Justice Houston Co.[11]

A certificate, similar to the above, was issued to John I. Burton on same date, and shows that he received 244 votes.

---

[8] A. D. S. The Journal for January 30, 1860, shows that Clark and Fall were from District No. 7.

[9] This postscript is added in pencil. If Mr. Guinn was elected a delegate, he was elected from District No. 8. He did not attend the Convention.

[10] A. D. S.

[11] D. S.

TENTH DISTRICT.—County: Anderson (2).

The State of Texas }
County of Anderson }

I William Alexander Chief Justice of said County of Anderson do hereby certify that at an election held in said County on the 8th day of Jany A. D. 1861 for the election of two delegates, to represent said County of Anderson, and two floating delegates to represent the 12th Senatorial District[12] composed of the Counties of Anderson Houston and Trinity, to a State convention to be held at Austin on the 28th day of January A. D. 1861, The Hon A. T. Rainey was duly elected as one of the delegates to represent said County of Anderson, he having received 460 votes.

To certify which I do hereunto set my hand and seal of the County Court this 15th day of Jany A. D. 1861

[Seal] Wm. Alexander Chief Justice A. Co[13]

A certificate, same as the above, was issued to John G. Stewart on same date, and shows that he received 413 votes.

ELEVENTH DISTRICT.—Counties: Trinity, Houston* and Anderson (2).

The State of Texas }
County of Houston }

I J T Heflin Chief Justice in and for said County hereby certify that at an election held on the 8th day of January Inst. in the Counties of Houston and Anderson (There being no returns from Trinity) for floating delegates to the State Convention to convene on the 28th Inst. that John Box was duly elected he having received 336 votes

Given under my hand and seal of office at Crockett this 19th Jany 1861

[Seal] J. T. Heflin
Chief Justice Houston County[14]

The certificate of John H. Reagan has not been found, but that he represented the 11th District appears from the Journal of January 30th.

The State of Texas }
Houston County }

I J. T. Heflin Chief Justice of said County do hereby Certify that at an Election held on the 23 inst. (Feby. 1861) in said County for a floater to the State Convention of the people of Texas to reassemble at Austin on the 2nd day of March next to fill the vacancy of the Hon. J. H. Reagan occasioned by his resignation. That T. J. Ward did receive in this County 413 votes and there being no returns from Anderson and Trinity Counties I therefore declare said T. J. Ward duly elected to fill said vacancy above named.

---

[12] Eleventh representative district.

[13] A. D. S.

[14] D. S.

Given under my Hand and seal of office at Crockett this 28th day of February A. D. 1861

[Seal] J. T. Heflin
Chief Justice of Houston County[14]

The State of Texas }
County of Anderson }

I, William Alexander, Chief Justice of said County of Anderson do hereby certify that at an Election held in the said County on the 23rd day of Feby A. D. 1861 for the election of a floating Delegate to represent the counties of Anderson, Houston and Trinity Counties in the State convention occasioned by the resignation of the Hon John H. Reagan, T. J. Word received in said County 811 votes being the whole number of votes polled.

To certify which I do hereunto set my hand and seal of the County Court this 4th day of March A. D. 1861

[Seal] Wm. Alexander Chief Justice A. Co[14]

To the Hon. O. M. Roberts
President of the State Convention.

Return of an election held in the County of Anderson on the 23d day of Feby A. D. 1861 for the election of a floating delegate to the State Convention, to represent the Counties of Anderson, Houston and Trinity Counties, to fill the vacancy occasioned by the resignation of the Hon John H Reagan,

For T. J. Word 811 votes

I William Alexander Chief Justice of the County aforesaid do hereby certify that the above and foregoing is a true and correct Return of said election, as appears by the returns of the same made to me by the Managers of said Election in and for said County.

Given under my hand and the seal of the County Court at Palestine this the 25th day of Feby A. D. 1861

William Alxander[15]
Chief Justice Anderson County

---

[14] [15] A. D. S.

TWELFTH DISTRICT.—County: Cherokee (4).

The State of Texas }
County of Cherokee }

I, A. J. Coupland Chief Justice in and for the County of Cherokee, do hereby certify that an election held at the diferent voting precincts in said County on the 8th day of January A D 1861, for the purpose of electing four delegates to a State Convention to meet in the City of Austin on the 4 Monday in Jany 1861 That James M Anderson was duly elected one of 4 Delegates to represent said County of Cherokee in said State Convention, He being one of the four highest on the tickett run by the people, and having received 654 votes

Given under my hand and seal of the County Court at Rusk this 12 day of January A D 1861

[Seal] A. J. Coupland Chf. J. Ch. Co[16]

Certificates, same as the above, were issued on same date to Joseph L. Hogg who received 670 votes, to Thomas J. Jennings who received 428 votes, and to P. G. Rhome who received 539 votes.

THIRTEENTH DISTRICT.—County: Rusk (4).

The State of Texas }
County of Rusk }

I do hereby certify that at an Election held at the different precincts of said county on the 8th day of January 1861, in accordance with an order issued by me, to elect four delegates to a convention of the people of the State of Texas to meet in the City of Austin on the 28th day of January 1861, James R. Armstrong having received a majority of all the votes polled at said election is declared elected a member of said convention

Given under my hand and private seal January 12th A D 1861

Bennett Smith
Ex officio Chief Justice[16]

Certificates, same as above, were issued on same date to A. P. Galloway, M. D. Graham and W. C. Kelly.

FOURTEENTH DISTRICT.—County: Panola (2).

The State of Texas }
Panola County }

I Drury Field Chief Justice of Panola County Texas Do Certify that at an Election held in said County on the 8th day of Jany inst. for delegates to a State Convention to meet on the 28th Inst. Hon W. R. Poag and Hon T. G. Davenport were duly Elected Delegates to said Convention the said Poag receiving 298 votes and the said Davenport 281 votes.

---

[16] A. D. S.

Given under my hand and the Seal of the County Court Jany 17th 1861

[Seal]

Drury Field
Chief Justice P C[17]

The State of Texas }
Panola County }

I James M Ramsey Clerk of the County Court of said County do hereby Certify that an Election for Delegates to a State Convention to assemble in Austin on the fourth Monday of Jany inst. was held in said County of Panola on Tuesday the 8th of January 1861. That the returns of said Election have been duly returned, opened and counted, and that said Election resulted as follows, To wit,

Drury Field	Received	300	votes
W R Poag	"	298	"
T G Davenport	"	281	"

which is a large majority of all the votes polled in said Election.

To Certify which I have hereunto set my hand and the Seal of the County Court of said County Jany 17 1861

[Seal]

James M Ramsey
Clk P C[17]

FIFTEENTH DISTRICT.—County: Harrison (2).

The State of Texas }
Harrison County }

Whereas at a public mass meeting of the citizens of Harrison County held at Marshall on the 24th day of November A. D. 1860, the undersigned was appointed to direct that an election should be held at the several precincts in said County for the election of four delegates to represent said County in a general State Convention of the States of Texas, And whereas said direction was given and due publication made of said election, And whereas said election was held in said County for said purpose on the 4th Monday in December A. D. 1860, and the returns thereof duly made to me, from which I certify that William T. Scott received a majority of five hundred votes of all the votes cast, Gilchrist McKay received a majority of four hundred and ninety three votes of all the votes cast,

---

[17] D. S.

Alexander Pope received a majority of four hundred and ninety three votes of all the votes cast, and William B. Ochiltree received a majority of five hundred and three votes of all the votes cast, And I further certify that said Scott, McKay, Pope and Ochiltree obtained the highest vote, and are duly elected delegates to said Convention. Given under my hand this 15th day of January A. D. 1861.

George Lane[18]

The State of Texas }
Harrison County }

I George Lane Chief Justice of Harrison County do certify from the returns made to me of an election held at the several precincts of said County on the 23d day of February A. D. 1861 that M. J. Hall was elected a delegate to the Convention of the State of Texas in the place of W. B. Ochiltree resigned and that said Hall received 799 votes

Given under my hand and the Seal of the County Court of said County this 25th day of February A. D. 1861

[Seal] George Lane
Chief Justice[18]

A certificate, same as above, was issued on same date to E. H. Baxter, elected delegate in place of A. Pope resigned, and shows that he received 705 votes.

SIXTEENTH DISTRICT.—Counties: Harrison* and Panola (2).

The delegates from the 16th District are not named separately; they are included among those sent up by the 14th and 15th Districts.

SEVENTEENTH DISTRICT.—County: Smith (4).

The State of Texas }
County of Smith }

I, Samuel D Gibbs Chief Justice of the County Court in and for said County and State aforesaid do certify that at an Election holden at the different precincts in the County aforesaid on the Eight day of January A D 1861 for the purpose of Electing four delegates in and for said County of Smith to meet at the City of Austin on the 28th day of Jany A D 1861 George W Chilton received the fourth highest number of votes polled (498 votes)

Given under my hand and Seal of office at Tyler January the 12th A D 1861

[Seal] Samuel D. Gibbs
Chief Justice Smith Co[18]

---

[18] A. D. S.

Certificates, same as above, were issued on same date to Oliver Lofton who received 838 votes, to O. M. Roberts who received 877 votes and to John C. Robertson who received 813 votes.

The State of Texas }
County of Smith }

I, Samuel D Gibbs Chief Justice of the County Court of Smith County do Certify that at an Election holden on the 23rd day of February A D 1861 at the different precincts in said County of Smith Tignal W Jones was duly Elected as a delegate to the Convention which is to reassemble at the City of Austin on the second day of March 1861 which Election was caused by the resignation of O Lofton one of the former members of said Convention he the said Tignal W Jones received the highest number of votes Seven hundred and sixty five (765) votes

Given under my hand and Seal of the County Court at office in Tyler February the 25th A D 1861

[Seal]

Samuel D Gibbs
Chief Justice Smith Co[19]

EIGHTEENTH DISTRICT.—County: Cass (2).

We the undersigned Committee appointed by the citizens of Cass County in Public Meeting assembled to count the votes for Delegates to a State Convention to be held at Austin on the fourth Monday in January do certify that after receiving the returns of said Election find that Dr. A. G. Clopton received the highest number of votes cast for Local Delegate of Cass County, Texas, and is entitled to a seat in said Convention as said Delegate.

Given under our Hands and Seals this Jany 10th, 1861, Linden Cass Co. Texas.

M W Covey [L S]
Saml Oliver [L S]
J M C Connally [L S]
Mins Sledge [L S]
Asa Johnson [L S][20]

A certificate, same as above, was issued on same date to James H. Rogers, who received a majority of votes.

NINETEENTH DISTRICT.—County: Titus (2).

The State of Texas }
County of Titus }

I M M Bowman Chief Justice in and for the aforesaid County do hereby Certify that at an Election held on the 26th of December A D 1860 in the County of Titus and State of Texas, for the purpose of Electing Delegates to a State Convention to be held at the City of Austin on the 28th day of January A D 1861 Wm C Batte Received Three hundred and thirty Two votes and was thereby duly Elected as one of the Delegates for the County of Titus of State aforesaid

---

[19] A. D. S.

[20] D. S.

In Testimony whereof I have hereunto set my hand and Seal of the County Court at office in Mount Pleasant Texas January the 8th A D 1861

[Seal] M M Bowman
Chief Justice[20]

Certificates substantially the same as above but somewhat shorter were on same date issued to John G. Chambers who received 385 votes and to J. F. Johnson who received 487 votes.

Twentieth District.—Counties: Cass*, Titus and Bowie (4).

We the undersigned Committee appointed by the citizens of Cass County in Public Meeting assembled to count the votes for Delegates to a State Convention to be held in Austin on the fourth Monday in January next do certify that the Honble H. R. Runnels, after receiving the Returns of said Election and counting the votes received a majority of votes cast in Cass, Bowie and Titus Counties, for floater, and is entitled to a seat in said Convention as Delegate accordingly

Given under our Hands and Seals this January 10th, 1861, Linden Cass Co. Texas.

Mins Sledge [L S]
Saml Oliver [L S]
J. M. C. Connally [L S]
Asa Johnson [L S]
M. W. Covey [L S][21]

Certificates, same as above, were issued on same date to William S. Todd, Robert Ward and William Warren.

Twenty-First District.—County: Upshur (4).

The State of Texas }
County of Upshur }

I J. M. Simpson Chief Justice of said County do hereby certify that S. W. Beasley at an election held in Upshur County on the 31st day of December 1860, for the purpose of Electing 4 Dellegates from said County to a State Convention to be holden in Austin City on the 28th day of January 1861 for the purpose of Taking into consideration the chrices that is upon us by the Election of A. Lincoln to the Presidency of the United States was duly Elected one of said four Dellegates for the purpose aforesaid

---

[20] [21] D. S.

In Testimony whereof I have this the 14th day of January 1861, at Gilmer set my hand and seal of the County Court of said County

[Seal] J. M. Simpson
Chief Justice U. C.[22]

Certificates, same as above, were on same date issued to S. B. Black, M. F. Lock and James F. Newsom.

TWENTY-SECOND DISTRICT.—County: Red River (2).

The State of Texas }
County of Red River }

I Levi G Childers Chief Justice of the State and County aforesaid do certify that at an Election held in said County on Saturday the 23 day of February A D 1861 J. A. Chambers was duly Elected A member of the Convention to represent this County in Convention he having received 372 votes Said Convention to meet in Austin on the 2nd day of March A D 1861

Witness my official Signature with the impress of the Seal of said County Court this the 25th day of Feb A D 1861

[Seal] Levi G Childers
Chief Justice[22]

A certificate, same as above, was on same date issued to George H. Bagby who received 373 votes.

TWENTY-THIRD DISTRICT.—County: Lamar (2).

The State of Texas }
County of Lamar }

Be it remembered that at an Election held at the different Precincts in the County of Lamar State of Texas on Saturday the 19th Inst. for the purpose of Electing Three Delegates to meet in Convention to assemble in the City of Austin in said State of Texas on the 28th Jany, Inst. And after compairing the returns of the several Precincts this day Wm. H. Johnson is declared duly Elected one of said Delegates to said Convention having received a majority of the votes cast.

---

[22] A. D. S.

To Certify which I hereto set my name in the City of Paris Jany.
21st 1621 E Collins[23]

Certificates, same as above, were issued on same date to Lem. H. Williams and George H. Wright.

TWENTY-FOURTH DISTRICT.—County: Hopkins (2).

The State of Texas }
County of Hopkins }

I F M Rogers Chief Justice of the County of Hopkins do hereby Certify that W. M. Payne is duly elected one of the Delegates to the State Convention to be held in the City of Austin on Monday the 28th day of January 1861, he having received a majority of the votes polled in said County. Under an order for said Election issued by me to Elect Delegates for said Convention

In Testimony of all of which I hereunto Sign my name as testimony of the Election of said Delegate Jany 12 1860

F M Rogers
Chief Justice and Private Citizen[24]

Also Wm T Blythe and R L Askew

The State of Texas }
County of Hopkins }

I, F. M. Rogers Chief Justice of said County do hereby Certify that at an Election, ordered by me as a Private Citizen to be held on Saturday the Twenty Ninth day of December 1860 for the purpose of Electing three Delegates to the State Convention to meet at Austin on the 4th Monday in January 1861. That Richard L. Askew was duly Elected one of the Delegates to said Convention, he having received a majority of all the votes poled as Compared by me

To Certify which I hereto sign my name and private seal as a Private Citizen this 15 January 1861

[L S] F. M. Rogers[24] [L S]

A certificate, same as above, was on same date issued to W. T. Blythe.

TWENTY-FIFTH DISTRICT.—Counties: Lamar and Hopkins* (2).

The names of the delegates for the 25th District appear among those of the 23rd and 24th Districts.

---

[23] A. D. S. Collins was chief justice of Lamar county.

[24] A. D. S.

TWENTY-SIXTH DISTRICT.—County: Wood (2).

The State of Texas }
County of Wood }

This is to certify whereas at an Election began and held in the several precincts of Wood county on Tuesday the 15th day of January 1861 for the purpose of Electing Delegates to a State Convention J. D. Rains Received two hundred and Sixty votes he having received the highest number of votes Polled for any one person therefore he is hereby declared duly Elected

Given under my official Seal and Signature at Quitman on the 18th day of January 1861

[Seal] J. E. Stephens
Chief Justice[25]

A certificate, same as above, was on same date issued to A. P. Shuford.

TWENTY-SEVENTH DISTRICT.—Counties: Van Zandt, Kaufman* and Henderson (4).

The State of Texas }
County of Kaufman }

I Cary Cobb Chief Justice of the aforesaid county do hereby certify that at an Election held in the counties of Henderson, Van Zandt and Kaufman on the 8th day of January A D 1861 At the Instance of the people in their Sovreign capacity for Delegates to a State Convention to meet at the City of Austin on the 4th Monday in January A D 1861 that Isham Chisum was duly Elected Delegate to said convention Having received seven hundred votes being a majority of votes polled for Delegates to said convention as appears by the returns made to me by the managers of the aforesaid Election

Given under my hand and Seal of the County Court at Kaufman this the 15th day of January A D 1861

[Seal] Cary Cobb
C. J. K. Co[25]

Certificates, same as above, were issued on same date to Lewis W. Moore who received 527 votes, to William Nash who received 785 votes and to William K. Payne who received 458 votes.

TWENTY-EIGHTH DISTRICT.—County: Hunt (2).

The State of Texas }
County of Hunt }

I J. G. Stevens Chief Justice in and for Hunt

---

*A. D. S.

County Texas do hereby Certify that at an election held in the County of Hunt held on the 15th day of January 1861, for the election of delegates to a State Convention to be held in the City of Austin on the 28th day of January 1861 that Wiley A. Mattox was duly elected by the qualified voters of said County as a member of said Convention.

In testimony whereof I have hereto set my official signature and seal of office at Greenville this the 19th day of January A D 1861.

[Seal]
J. G. Stevens
Chief Justice Hunt Co Tex[25]

Twenty-Ninth District.—County: Fannin (2).

The State of Texas }
County of Fannin }

I John F. Crawford (who ordered the election) to be held on the 15th Inst, Do hereby certify that at said election A J Nicholson received 208 votes for county representative to a State Convention to be held at Austin on the 28 Inst, He being one of two who received the highest number of votes for said position.

Jan 18th 1861. J. F. Crawford[26]

A Certificate, same as above, was on same date issued to Gideon Smith, and shows that he received 210 votes.

Thirtieth District.—Counties: Fannin* and Hunt (2).

The State of Texas }
County of Fannin }

I John F Crawford (who ordered the election) to be held on the 15 Inst, Do hereby certify that Elbert Earley received 210 votes for floating Representative for the Counties of Fannin and Hunt to a State Convention to be held at Austin on the 28th Inst, he being one of two who received the highest vote for said position.

18th January 1861 J. F. Crawford[26]

A certificate, same as above, was on same date issued to Jason Wilson, who received 206 votes.

The State of Texas }
County of Hunt }

I J. G. Stevens Chief Justice in and for Hunt County State of Texas, do hereby Certify that at an election held [in] said County on the 15th day of January 1861 for the election of Delegates to a State Convention to be held at the City of Austin on the fourth Monday in this month January 1861, that E. Earley for floater Received one hundred and thirty majority in this County, and Jason Wilson for floater also Received one hundred and thirty nine majority in this County.

---

[25] A. D. S.

[26] D. S.

In testimony whereof I have hereto set my hand and official seal at Greenville this 19th day of January A D 1861.

[Seal] J. G. Stevens
Chief Justice Hunt Co Tex[27]

THIRTY-FIRST DISTRICT.—County: Grayson (2).

The State of Texas
County of Grayson

I Wm G Reynolds Chief Justice of said County hereby Certify that at an Election held in said County on the 12th day of January 1861 for Dellegates to a State Convention to meet at Austin on the 4th Monday in said month of January 1861 Wm W Diamond Received two hundred and fifty six votes being the 2nd highest number of votes polled for said office.

In witness whereof I hereunto set my hand and impress the seal of the County Court this 18th day of January 1861

[Seal] W G Reynolds
Chief Justice[28]

Certificates, same as above, were issued on same date to Jesse Marshall who received 256 votes and to James G. Thompson who received 257 votes.

THIRTY-SECOND DISTRICT.—County: Collin (2).

This is to certify that at an election held in Collin County and State of Texas on Saturday the 19th day of January A D 1861 for delegates to the Convention to be held in the City of Austin and said State on the fourth Monday in January A D 1861, James W Throckmorton was elected a delegate to said Convention he having received 656 votes, being the highest vote cast for any one candidate, as appears from the returns of said election made to and opened by the undersigned this day

Witness our hands this 22d day of January A D 1861

Alex Berry
S. B. Skidmore
A. G. Graves[28]

---

[27] A. D. S.
[28] D. S.

A certificate, same as above, was issued on same date to Samuel Bogart and shows that he received 656 votes.

THIRTY-THIRD DISTRICT.—Counties: Collin* and Grayson (2).

The delegates from the 33rd District are not designated. The 31st District elected three delegates, one of them representing in fact the 33rd District.

THIRTY-FOURTH DISTRICT.—County: Galveston (2).

The State of Texas }
County of Galveston }

I, James P. Cole Chief Justice of the County aforesaid, do hereby Certify, that at an Election nolden in said County, on the Eighth day of January A. D. 1861, Judge R. C. Campbell was duly elected to the Office of Delegate to the State Convention to be held on the 28th inst, he having received 601 votes, out of 1022 votes cast as appears by the Returns of the same made to me by the Managers of said Election, in and for said County

Given under my hand, and the Seal of the County Court, at Galveston, this the Eighteenth day of January A. D. 1861

[Seal] J. P. Cole
Chief Justice, Galveston County[29]

Certificates, same as above, were issued on same date to John Muller who received 508 votes and to Gen. E. B. Nichols who received 900 votes.

The State of Texas }
County of Galveston }

I, James P. Cole Chief Justice of the County aforesaid, do hereby Certify, that at an Election holden in said County, on the Fourth day of March A. D. 1861, George Mason was duly elected to the Office of Delegate to the State Convention, in place of Jno Muller, he having received 395 votes, as appears by the Returns of the same made to me by the Managers of said Election, in and for said County

Given under my hand, and the Seal of the County Court, at Galveston, this the Sixth day of March A. D. 1861

[Seal] J. P. Cole
Chief Justice, Galveston County.[29]

---

[29] D. S.

THIRTY-FIFTH DISTRICT.—Counties: Galveston* and Brazoria (2)

State of Texas }
County of Brazoria }

Whereas by virtue of an Order directed by the People of the aforesaid County in mass meeting assembled on the 17th November 1860 an election was held in said County on the 3 day of December thereafter, and Col John A Wharton having received the highest number of votes over any one candidate for Representative in a State Convention at said election

Therefore I, S W Perkins Chief Justice of the aforesaid County declare the said John A Wharton, Representative of the People of Brazoria County to a State Convention to be holden at the City of Austin on the 28th day of January

In testimony whereof I hereunto sign my name and affix the Seal of the County Court this 1st day of January A. D. 1861

[Seal] S. W. Perkins C. J. B C[30]

THIRTY-SIXTH DISTRICT.—County: Harris (4).

The State of Texas }
County of Harris }

This is to certify that on the 8th day of January A D 1861, at an election held in Harris County Texas, in obedience to an order issued by me as Chief Justice of said County, on the 10th day of December 1860, for the purpose of electing delegates to a General State Convention of the people of Texas, to be held at the City of Austin on the 28th day of January 1861, Peter W Gray received 966 votes out of 1658 votes polled in said County on said 8th day of January 1861, for delegates to said State Convention, which said 966 votes being a majority of all the votes polled on said 8th day of January in said County, the said Peter W Gray is hereby declared duly elected, as one of four delegates to represent Harris County in said Convention

In testimony of which witness my hand and the seal of office duly affixed this the 23rd day of January A D 1861

[Seal] J S Stafford
Chief Justice H C[31]

Certificates, same as above, were issued on same date to Thos. S. Lubbock who received 945 votes, to Wm. P. Rogers who received 942 votes and to Wm. McCraven who received 949 otes.

---

[30] A. D. S.

[31] D. S.

The State of Texas }
County of Harris }

This is to certify that at the Election on Feby 23d 1861, James W. Henderson having received 748 votes was duly elected Delegate to the State Convention in place of William McCraven resigned.

Witness my hand and seal of Harris County Court at office Houston Feby 27, 1861

[Seal] J. Brashear Clk[32]

THIRTY-SEVENTH DISTRICT.—Counties: Montgomery, Grimes* and Brazos (4).

The State of Texas }
County of Grimes }

I, Geo. M. Patrick, Chief Justice of the County of Grimes and State aforesaid, hereby Certify, That at an election held on the 8th day of January inst. Joseph H. Dunham was elected one of the four Delegates, to the State Convention to be held in the City of Austin on the fourth Monday of January 1861, To represent the Representative District No. 37 composed of the Counties of Montgomery, Grimes and Brazos, he having received (772) seven hundred and seventy two votes

Given under my hand and Seal at office at Anderson, this the 21st day of January A. D. 1861.

[Seal] Geo. M. Patrick
Chief Justice Grimes County[32]

A certificate, same as above, was issued on same date to Wm. McIntosh of Brazos county, and shows that he received 750 votes.

A certificate, same as above, was issued on January 19th to R. J. Palmer, and shows that he received 641 votes.

A certificate, same as above, was issued on January 21st to J. W. Hutchinson, and shows that he received 770 votes. To this certificate is appended the following: "I further certify that R. J. Palmer of Montgomery Co. received (106) one hundred and six votes in Brazos county, not included in his certificate of election."

THIRTY-EIGHTH DISTRICT.—County: Walker (2).

The State of Texas }
Walker County }

I, Joab H. Banton Chief Justice of said County, do hereby Certify that in accordance with my order an Election was held and conducted under the forms of law, in the several Precincts in said county on the First day of January A. D. 1861 for the purpose of Electing two Deligates to represent said county in a State Convention to be held in the City of Austin on the 28th day of January A D 1861 and that at said Election for said office of Deligate, L. A. Abercrombie received Three hundred and one votes, that being one of the highest, and a majority of all the votes polled, I therefore declare him duly elected a Delegate to represent said County in said Convention

---

[32] A. D. S.

In testimony whereof I hereunto set my hand and affix the seal of the County Court of said County at Huntsville the 18th day [of] January 1861

[Seal] Joab H. Banton
Chief Justice Walker County Texas[33]

A certificate, same as above, was issued on same date to A. P. Wiley, and shows that he received 295 votes.

THIRTY-NINTH DISTRICT.—Counties: Leon* and Madison (2).

The State of Texas }
County of Leon }

I Simpson Robinson, Chief Justice of Leon County and Returning officer of Elections of the 39th Representative district of the State of Texas, Do hear by cirtify that in pursuance of a Resolution passed by the people of Leon County in mass meeting assembled in Centervill on the 15 day of December 1860 and in pursuance of a request of the said meeting I ordered an Election to be holden at the different precincts in Leon County on the 8th day of January 1861 for the purpose of Electing two deligates to represent the 39th Representative District of the State in a Convention to be holden in the City of Austin, to meet on the 4th Monday in January 1861 to take into Consideration the proper Course for the State of Texas to pursue in Consequence of the Election of Abraham Lincoln to the presidency of the United States

And I further cirtify that upon Counting the votes from the returns made to me from the Different precincts in Leon County and from a certificate of a like Election held in the County of Madison for the same purpose made to me by R. S. Rabourn Chief Justice of said County of Madison that John D Stell of Leon County was duly elected to represent the said 39th district as aforesaid In the Convention to meet at Austin as aforesaid and that full faith and credit should be given to his acts as such

---

[33] A. D. S.

In testimony whereof I, Simpson Robinson Chief Justice of Leon County and returning officer of the 39th Representative district of the State of Texas have (unofficially) Set my hand and Seal of the County Court of Leon County At Centervile the 15th day of January A D 1861

[Seal] S Robinson
Chief Justice of Leon Co[33]

A certificate, same as above, was issued on same date to R. S. Gould of Leon County.

FORTIETH DISTRICT.—Counties: **Freestone, Limestone* and Falls (4).**

The State of Texas }
Limestone County }

I. James L Burney Chief Justice of said County, do hereby Certify that at an Election held in the Representative District, Composed of the Counties of Freestone, Limestone and Falls for the election of four Delegates to the State Convention to assemble at Austin Texas on Monday the 28th January 1861, John Gregg reecieved 957 votes, Wm M Peck recd 937 votes, D M Prendergast recd 952 and Charles Stewart recd 954 votes, and were duly Elected Delegates to said Convention.

Given under my hand and official seal this 21st January 1861

[Seal] Jas L Burney
Chief Justice Limestone County

28 Scattering votes were cast by persons who did not vote for either of the candidates, which added to the above makes 985 secession votes cast.[34]

At an Election held in Limestone County on the 23d day of February A D 1861 for the election of a Delegate to the State Convention

There were cast for John R. Henry 440 votes

There were cast for D. J. Moody 35 votes

I James L Burney Chief Justice of Limestone County do certify that the above and foregoing is a true and correct return of said Election as appears by the returns of the same made to me by the managers of said Election in and for said County

Given under my hand and the seal of the County Court at Springfield the 26th day of February A D 1861

[Seal] James L Burney[35]

---

[33] A. D. S.

[34] D. S. The note concerning the 28 scattering votes was added in pencil by some unknown hand.

[35] D. S.

To the Chief Justice of Limestone County.

Returns of an election held in the County of Freestone on the 23d day of Feby A D 1861, for one Delegate to fill the vacancy in the State Convention occasioned by the Resignation of Hon John Gregg.

John R. Henry, No of votes, 511.
D. J. Moody ” 28.

I A. L. Reed Chief Justice of the County aforesaid, Do hereby Certify that the above and foregoing is a true and correct Return of said Election, as appears by the returns of the same made to me by the Managers of said Election in and for said County.

Given under my hand, and the Seal of the County Court at Fairfield, this the 26th day of Feby A. D. 1861.

[Seal]
A. L. Reed
Chief Justice F. C.[34]

The State of Texas }
Limestone County }

I J L Burney Chief Justice of said County hereby Certify that the foregoing Election Returns from Freestone County were this day received and opened by me.

Given under my hand and seal of the County Court at Springfield this March 2nd 1861

[Seal]
Jas L Burney[35]

In addition to the return from Freestone and Falls Counties, I desire to state that Mr. Henry handed to me to be presented to the Committee on Credentials a Certificate from the Chief Justice of Limestone County of the vote in that County showing some four or five hundred votes for him and a few for Mr Moody, but that I have mislaid it. Mr Henry is undoubtedly entitled to his seat—but has no certificate from the Chief Justice of Limestone, the returning County, showing the comparison by him of the vote of the three Counties.

Robert S. Gould[36]

State of Texas }
County of Falls }

I J. L. Conoly Clerk of the County Cour of Falls County, hereby certify, that at an Election holden in said County on the 23rd day of February A. D. 1861, for the purpose of Electing a Delegate to the State Convention to assemble in the City of Austin on the first Monday in March A. D. 1861, John R. Henry, a Candidate for said Convention received Eighty Five votes. In testimony whereof I hereto set my hand and affix the seal of my office, This February 28th A. D. 1861.

---

[34] A. D. S.

[35] D. S.

[Seal]

J. L. Conoly Clerk
C. C. Falls County
Per Henry J. Persons, Dept.[37]

FORTY-FIRST DISTRICT.—Counties: **Navarro* and Hill (2).**

The State of Texas }
Navarro County }

This is to Certify that at an election held in the District composed of the Counties of Navarro and Hill for two delegates to the Convention to assemble in Austin on the 28th day of January 1861 Joseph A Clayton received seven hundred and fifty votes and J. P. Weir received seven hundred and fifty five [votes] and that being the highest number of votes cast for delegates to s[ai]d Convention they are therefore declared duly elected members to said Convention from said District. (The whole number of votes polled in said District being nine hundred and fifty seven).

Given under my hand and seal of office this 15 day Jany 1861

[Seal]

J. R. Loughridge
Chief Justice of Navarro County.[37]

FORTY-SECOND DISTRICT.—Counties: **Ellis, Johnson* and Parker (4).**

The State of Texas }
County of Johnson }

I J. J. Ligon Chief Justice of s[ai]d County and Returning officer of the 42nd Representative district of Texas, composed of the Counties of Parker, Johnson and Ellis do certify that at an Election held in said District on the 8th day of Jany. 1861 for the election of four delegates to represent said district in a State Convention to meet in the City of Austin on the 28th day of January 1861 Amzi Bradshaw was duly Elected as appears from the Returns of the managers of said Election made to me.

Witness my Hand at Buchanan on this the 19 Jany 1861

J. J. Ligon,
Chief Justice[38]

Certificates, same as above, were issued on same date to A. C. Hoyl, T. C. Neel and A. T. Obenchain.

[37] [38] A. D. S.

FORTY-THIRD DISTRICT.—County: Tarrant (2).

The State of Texas }
County of Tarrant }

We James K Allen and James M Crofford County Commissioners in and for said County do hereby Certify that at an Election held in and for the County of Tarrant, on the 8th day of January 1861, for the Election of two delegates to the State Convention James E Cook was duly Elected a member to said Convention he having Received 443, Votes.

Given under our hands and Seal of the County Court for said County On this 16th day of January A. D 1861.

[Seal] James K Allen Co. Commissioner
J. M. Crofford Co. Commissioner[39]

A certificate, same as above, was on same date issued to Nathaniel Terry, and shows that he received 442 votes.

FORTY-FOURTH DISTRICT.—County: Dallas (4).

The State of Texas }
Dallas County }

I J M Patterson Chief Justice in and for the aforesaid County do hereby Certify that at an Election held in the aforesaid County on Tuesday the 8th day of January A. D. 1861 for the purpose of Electing Four Delegates to a State Convention, P. Taylor, E. P. Nicholson, T. J. Nash and W. S. J. Adams were Elected as appears from the returns made to me

Given under my hand and the Seal of the County Court this 19th day of January A. D. 1861

[Seal] J M Patterson
Chief Justice[40]

FORTY-FIFTH DISTRICT.—County: Denton (2).

The State of Texas }
County of Denton }

I, C. W. Holland Chief Justice in and for Denton County do he[re]by certify that at an Election held in Denton County on the 8 Day of January 1861 for Delegates to a State convention that S. P. Beebe was Duly Elected a Delegate for Denton county Texas the said Beebe having received 317 votes

[39] D. S.

[40] A. D. S.

Given under my hand and Seal of the County Court at Denton Feb 26 Day 1861

[Seal] C W Holland
Chief Justice Denton County Texas[40]

A certificate similar to the above was issued on February 18th to J. H. Wilcox, and shows that he received 264 votes.

FORTY-SIXTH DISTRICT.—Counties: **Cook, Montague, Wise,* Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox and Haskell (2).**

The certificate of James J. Diamond has not been found.

FORTY-SEVENTH DISTRICT.—Counties: **Matagorda, Wharton* and Fort Bend (2).**

State of Texas }
County of Wharton }

Chief Justice Office

Hon John Rugeley

You are hereby notified that at an Election held in the 47th Representative District composed of the counties of Matagorda, Wharton and Fort Bend on the 8th day of January 1861, you were Elected a delegate to Represent said District in the State convention to meet at Austin on the 28th day of January 1861, you having received 283 votes.

To which I certify under my hand and seal of office this 21 day of January 1861.

[Seal] John W Veazey
Chief Justice Wharton Co. Texas[41]

The State of Texas }
County of Fort Bend }

Chief Justice Office

Hon John Rugeley

You are hereby notified that at an election in the 47th Representative District composed of the Counties Matagorda, Wharton and Fort Bend on the 8th day of January A D 1861 you were elected a Delegate to represent said District in a State Convention to meet at the City of Austin on the 28th day of January A D 1861 you having received two Hundred and twenty four votes

---

[40] [41] A. D. S.

To which I certify under my hand and seal of office this the 27th day of January A D 1861

[Seal] George P Foster
Chief Justice F B Co[43]

A certificate, same as above, was issued on same dates to B. F. Terry, and shows that he received 283 votes in Wharton county and 228 votes in Fort Bend county.

FORTY-EIGHTH DISTRICT.—County: Austin (2).

The State of Texas }
County of Austin } ss.

This is to certify that at an election held on the 22nd day of December A. D. 1860 David Y. Portis was elected to the office of Delegate to the State Convention to be held at the City of Austin on the 28th January A. D. 1861 in and for said County and State, he having received 354 votes for said office.

In testimony whereof I hereunto set my hand and the seal of the County Court of Austin County at Bellville this 22nd day of January A. D. 1861

[Seal] George W. Johnson
Chief Justice. A. C.[42]

A certificate, same as above, was issued on same date to Edwin Waller, Sr., and shows that he received 356 votes.

FORTY-NINTH DISTRICT.—County: Colorado (2).

The State of Texas }
Colorado County }

I A B Bonas one of the County Commissioners of the County and State afforsaid hereby Certify that at an election held in said County on the 8th day of January 1861 for the Election of Delegates to a State Convention to be Convened at the City of Austin on the 4th Monday in January 1861, A. H. Davidson was duly Elected as such Delegate from this County, he having received a majority of all the votes cast at said election.

Given under my hand this the 14th day of January, A D 1861.

A B Bonas
County Commissioner of Colorado County State of Texas[43]

---

[42] D. S.

[43] A. D. S.

FIFTIETH DISTRICT.—County: Fayette (2).

The State of Texas }
County of Fayette }

To all to whom these presents shall come Greeting

Be it known that at an election held in said county of Fayette on the 8th day of January A D 1861 James S. Lester was duly elected as a Delegate to a convention to be held in the City of Austin on the fourth Monday in January A D 1861 he having received 380 votes which was the highest number of votes polled for any one candidate for said office

To Certify which we hereto sign our names and affix the Seal of the County Court of said County at office in La Grange this 21st day of January A D 1861

[Seal] Smith W. Ligon }
N. C. Joiner } County Commissioners[44]

A certificate, same as above, was on same date issued to Thomas C. Moore, and shows that he received 380 votes.

FIFTY-FIRST DISTRICT.—County: Washington (2).

The State of Texas }
Washington County }

I E. D. Tarver Chief Justice in and for said County, do hereby Certify that W. S. Oldham, was on the 8th day of January A. D. 1861, Elected a Delegate to the State Convention, for said County, Said Convention to be holden in the City of Austin on the 28th day of January A. D. 1861.

Given under my hand and the Seal of the County Court of said County, at Brenham, this the 17th day of January A D 1861.

[Seal] E. D. Tarver
Chief Justice[44]

A certificate, same as above, was issued on same date to J. B. Robertson.

State of Texas }
Washington County }

I E. D. Tarver Chief Justice of said County do hereby certify that at an Election held in said County in pursuance to an order by the President of the State Convention, for a Delegate to fill the vacancy occasioned by the resignation of W. S. Oldham, W. A. Montgomery was duly elected.

---

[44] D. S.

To certify which fact, I hereto sign my name and affix the Seal of the County Court, done at Brenham this 26th day of February A. D. 1861.

[Seal] E. D. Tarver
Chief Justice W. Co.[45]

FIFTY-SECOND DISTRICT.—Counties: **Washington* and Fayette (2).**

The State of Texas }
Washington County }

I E. D. Tarver Chief Justice in and for said County, do hereby Certify that J. W. Dancey was elected on the 8th day of January A. D. 1861, a Delegate to the State Convention to be holden in the City of Austin on the 28th day of Jany A. D. 1861, as a floater from Washington and Fayette Counties.

Given under my hand and the Seal of the County Court of said County, at office, in Brenham, the 17th day of Jan A D 1861.

[Seal] E. D. Tarver Chief Justice[46]

A certificate, same as above, was on same date issued to James E. Shepard.

FIFTY-THIRD DISTRICT.—Counties: **Burleson and Robertson* (2).**

The State of Texas }
County of Robertson }

We, W. P. Townsend, Gilbert M. Hunter, Gilbert C. Richardson, and W. H. Hamman, a General Committee appointed by Col. John A. Turner, Chairman of the Mass Meeting of the citizens of Robertson County, held in the town of Owensville on the fifteenth day of December, 1860, according to the provisions of the fifth and sixth Resolutions adopted by said Meeting, a copy of which is hereunto attached, hereby certify that we have this day, in the town of Owensville compared the polls of the votes cast in the Representative District composed of the Counties of Robertson and Burleson, *returned to us,* and have found that A. S. Broaddus is one of the candidates which received the largest number of votes polled at an Election held on the 8th day of January, 1861, for Delegates to a General Convention of the People of the State of Texas, to meet in the City of Austin on the 4th Monday of January, 1861:—

We therefore declare that A. S. Broaddus, Esq. is duly elected a Delegate to the General Convention of the People of the State of Texas to convene in the City of Austin on the 4th Monday of January, 1861.

---

[45] A. D. S.
[46] D. S.

Given under our hands this 16th day of January, 1861, in the town of Owensville.

William Purnell Townsend,
Gilbert Marshall Hunter
Gilbert C. Richardson
W. H. Hamman[46]

A certificate, same as above, was on same date issued to John H. Feeney.

FIFTY-FOURTH DISTRICT.—County: **Bastrop** (2).

The State of Texas }
County of Bastrop }

I, P. H. Jones Chief Justice of Bastrop County, Do hereby certify that an election held in said County, on the 8th Inst, for the election of two Delegates to represent said County in a State Convention, to be held in the City of Austin on the 28th Inst, Thos. B. J. Hill was duly elected a delegate to represent said County in said Convention, he having received a majority of the votes cast in said election.

Given under my hand and seal of the County Court of Bastrop County, this 24th day of January 1861.

[Seal] P H Jones Chf Justice Bastrop Co.[47]

No votes Bastrop County 304

A certificate, same as above, was issued on same date to W. G. Miller.

FIFTY-FIFTH DISTRICT.—County: **Travis** (2).

Austin Texas
January 15th 1860 [1861]

Whereas an election for delegates to a convention of the People of Texas was duly held in the County of Travis on the 8th day of January A D 1861 And whereas said County is entitled to three Delegates in said Convention

Now therefore, I, L S Woodward one of the County Commissioners in and for said County, the returns of said election having been made to me, do hereby certify, that John A Green, H N Burditt, and George Flournoy, have received the largest number of votes polled at said

---

[46] D. S.

[47] D. S. The note in regard to the number of votes cast in Bastrop county is added in pencil by an unknown hand.

Election, and are duly Elected as Delegates from the County of Travis to said Convention

L. S. Woodward
County Commissioner Travis County[48]

FIFTY-SIXTH DISTRICT.—Counties: Travis and Williamson* (2).

We the undersigned having estimated the result of an Election held in Williamson County on the 8th day of January 1861 for the purpose of electing two Delegates to represent said County in a State Convention to be begun and held at the City of Austin in the State of Texas, on the 4th Monday, the 28th day of said month found the same to be as follows

Thomas P. Hughes	Received	350	votes
Elisha Thomason	"	257	"
————Tams	"	69	"
Scattering		19	"

Georgetown January 18th 1861

Levi Pennington
D S Cocke
J T Mileham[48]

FIFTY-SEVENTH DISTRICT.—Counties: Williamson* and Milam (2).

The State of Texas }
County of Milam }

Whereas an Election was held by the people in the County of Milam and State aforesaid on the 8th day of January 1861 for the purpose of Electing one Delegate for the County of Milam to meet in a Convention at the City of Austin on the 4th Monday in January 1861

I, A. H. Moss Chief Justice of said County do hereby certify that C M Lesueur received a majority of all the votes polled and is therefore Elected a delegate to said Convention

Given under my hand and Seal of the County Court of said County this the 11th day of January A D 1861

[Seal]

A H Moss
Chief Justice of M. C.[48]

The State of Texas }
County of Milam }

I, W. D. King Clerk of the County Court in and for said County do hereby certify that an Election held in said County on the 8th day of Jany 1861 there was 596 votes polled and that C. M. Lesueur Received 383 votes

---

*D. S.

Given under my hand and official Seal at office in Cameron this the 11th day of January A D 1861

[Seal] W. D. King
Clerk C. C. M. C.[49]

FIFTY-EIGHTH DISTRICT.—Counties: **Caldwell*, Hays and Blanco (2).**

The State of Texas }
County of Caldwell }

At an election held on the 8th day of January A D 1861 in the counties of Caldwell, Hays and Blanco for Two Delegates to represent the District in Convention Spencer Ford received 342 votes and J C Watkins received 344 votes which being the highest No of votes cast for said office I declare them duly Elected

Given under my hand and official Seal this 18th day of January A D 1861

[Seal] J A Glenn
Chief Justice C C[49]

FIFTY-NINTH DISTRICT.—Counties: **Bell* and Lampasas (2).**

The State of Texas }
County of Bell }

I Daniel McMillin Chief Justice of said County and returning officer of the 59th Representative District in said State (*Composed of the Counties of Bell and Lampasas*) do hereby Certify that at an Election held in said District on Tuesday, the 8th day of January 1861, for the Election of two Delegates from said District to Represent the same in a State Convention to be convened at the City of Austin in said State on the 28th day of January 1861 John Henry Brown was duly Elected one of said Delegates: he having received votes at said Election as appears from the returns made to me of the same.

Given under my hand and the seal of County Court of said County, at Belton this 22nd day January A. D. 1861.

[Seal] Daniel McMillin
Chief Justice Bell County[50]

---

[49] [50] A. D. S.

A certificate, same as above, was issued on same date to E. S. C. Robertson

SIXTIETH DISTRICT.—Counties: McLennan* and Bosque (2).

The State of Texas }
McLennan County }
To all whom it may concern, Greeting:

This is to certify that at an Election held on the Eighth day of January Inst. the following named gentlemen having received the highest number of votes I hereby declare and certify that the said Richard Coke and Allison Nelson are duly and regularly elected delegates to the State Convention to assemble at Austin on January 28th A. D. 1861 to represent the 60th Representative District in said Convention.

Given under my hand and official Signature at office in Waco City This Jan 15, A. D. 1861

[Seal] Wallace E. Oakes[50]
Chief Justice McL. Co Texas and
Returning officer for 60th Rep. District

Attest
R. M. Billingsley
Clk. Co. Ct. McL. Co Texas

SIXTY-FIRST DISTRICT.—Counties: Coryell, Hamilton, Comanche*, Erath, Brown, Palo Pinto, Buchanan, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor and Runnels (2).

The State of Texas }
County of Comanche }

I, C. W. Carnes Chief Justice of Comanche County, do hereby certify that after comparing the Polls from the returns made to me from the Counties composing the 61st District for Members to the State Legislature find that T. C. Frost and James M. Norris received the highest and best vote to represent the said District in the State Convention called by the people of the State of Texas, to meet at Austin on 4th Monday in Jany 1861

Given under my hand and seal of Office, at Comanche, This January 21st A. D. 1861.

[Seal] C W Carnes
Chief Justice of Comanche County[51]

---

[50] A. D. S.

[51] D. S.

State of Texas }
Camp Hunter, Coleman Co. }
To the Honorable President of the State Convention for said State

Sir

At an election held in Camp at Camp Hunter Coleman Co Texas by the Citizens and Rangers attached to Capt J. B. Barry Company and in the Service of the State from Erath Co for the purpose of ratifying or rejecting the Ordinance of Secession of the State of Texas from the federal union or United States of America, and for Delegate to represent the District to which Erath belongs in Convention the following vote was polled.

For Secession 13 Against Secession —

for Delegate J. L. L. McCall of McLennan 13

We the undersigned presiding officers Judges Clerks of the Election hereby certify that the above is true and correct Statement of votes cast at the Election held at Camp Hunter on the 23d of Feb 1861

Clerk	J R Waller P O
Jas H Price	Riggs Dupuy Judge
D A Evans	John Salmon Judge[51]

SIXTY-SECOND DISTRICT.—Counties: **Calhoun, Victoria*, Jackson and De Witt (4).**

The State of Texas }
County of Victoria }

I William Ragland Chief Justice of said County do hereby Certify that at an Election held in this representative District composed of the Counties of Dewitt, Victoria, Calhoun and Jackson on the 8th day of January A D 1861 for delegates to the State Convention to be held at Austin on the 28th day of January A D 1861 the following named persons were duly elected to represent said District as delegates in said Convention to wit Fielding Jones of Victoria County, J J Holt of Calhoun County, Fletcher Stockdale of Jackson County and William R. Scurry of We Witt County all of which were duly Elected

Witness my hand and Seal of said County at Victoria this 23rd day of Jany 1861

[Seal] Wm Ragland
Chief Justice Victoria County[52]

---

[51] D. S.
[52] A. D. S.

The State of Texas }
County of Victoria }

I William Ragland Chief Justice in and for said County and returning Officer for the Representative District composed of the Counties of Victoria, Dewitt, Jackson and Calhoun, do hereby Certify that at an election held in said district on the 23th day of February 1861, for the lection of Two delegates for said district to the State Convention to fill the Vacancies in said State Convention caused by the resignation of Fielding Jones and J J Holt, D. M. Stapp and Wilkins Hunt were duly elected Delegates from said District to said Convention as appears to me by the returns of said Election now on file in my Office

Given Under my Hand and the Seal of the County Court of Victoria County this the 27th Day of February A D 1861.

[Seal] Wm Ragland
Chief Justice of Victoria County[53]

SIXTY-THIRD DISTRICT.—County: **Lavaca** (2).

The State of Texas }
County of Lavaca }

I J F Spears Chief Justice in and for said State and County do Hereby Certify that at an Election held in said County to Elect delagates to the State Convention on the Eighth day of January 1861, that B F Moss was duly Elected to represent said County in said Convention

In testimony whereof I have hereunto set my hand and official Seal at office in Hallettsville this 12th day of January 1861.

[Seal] J F Spears
Chief Justice L C[53]

Attest
Josiah Dowling
Clk C. C. L. C

A certificate, same as above, was on same date issued to Ben Williams.

SIXTY-FOURTH DISTRICT.—County: **Gonzales** (2).

The State of Texas }
Gonzales County }

I, F. Chenault Clerk of the County Court of said County Certify that in accordance with a resolution of a mass meeting of the Citizens of Gonzales County, I ordered an election to be held on the 8th day or January 1861 at the several Precincts in said County, for Two Delegates to a State Convention to be held, at the City of Austin on the 28th day of said month, and I caused due notice to be given of said Election, and at said election James C Wilson, and William H Stewart received a majority of all the votes polled, and were elected Delegates from this County to said Convention.

---

[53] D. S.

Given under my hand at Gonzales this 18th day of January 1861

F. Chenault
Clk C C G C[54]

The State of Texas }
Gonzales County }

I, F. Chenault, Clerk of the County Court of Gonzales County certify that at an election holden at the Several precincts in Gonzales County on Thursday the 24th day of January 1861, for the election of a Delegate to represent said County in the State Convention, to assemble at Austin on Monday the 28th of January 1861, to fill the vacancy occasioned by the resignation of J. C. Wilson, A. N. Mills received a majority of all the votes polled, and was duly elected a member of said Convention, from this County.

Given under my hand at Gonzales this 26th day of Jany 1861

F. Chenault[54]
Clk C C G C

SIXTY-FIFTH DISTRICT.—County: Guadalupe (2).

State of Texas }
Guadalupe County }

I, W. P. H. Douglass, Chief Justice of said County hereby certify that at an election held in said County on the eighth day of January 1861, John Ireland, and William P. Hardeman, were elected to represent said County of Guadalupe in a convention of the State of Texas to be assembled at Austin on the fourth Monday (the 28th day) of January 1861.

I further certify that there were three hundred and ninety two votes cast of which John Ireland received two hundred and seventy three votes and W. P. Hardeman received two hundred and sixty seven votes.

To certify which I hereto sign my name and affix the seal of Guadalupe County this 24th day of January 1861.

[Seal]

W P H Douglass
C. J. G. Co[55]

---

[54] A. D. S.

[55] D. S.

Sixty-Sixth District.—County: Comal (2).

The State of Texas }
County of Comal }

At an election held in the County of Comal on the fourteenth day of January 1861 for the purpose of choosing Delegates to a Convention of the people of the State of Texas, to meet in the City of Austin on the 28th day of January 1861 Theodore Koester received Two hundred and thirty three (233) votes which being a majority of votes polled at said election, therefore said Theodore Koester is hereby declared duly elected [Delegate] of and for the County of Comal.

In testimony whereof I hereunto affix my signature in the City of New-Braunfels this the 19th day of January A. D. 1861.

H. Heffter.
Chief-Justice of the County of Comal[56]

A certificate, same as above, was issued on same date to Walter F. Preston, and shows that he received 244 votes.

Sixty-Seventh District.—Counties: Gillespie*, Kerr, Bandera, Mason, Menard, Kimble and Edwards (2).

State of Texas }
County of Bandera }

I Edward M Ross, Chief Justice of Bandera County do hereby Certify that at an Election held in Bandera County, on the 8th day of January, 1861, that Edward M Ross, received a majority of all the votes polled, for Delegate to meet in Convention at the City of Austin on the 28th day of January A. D. 1861. I therefore declare the said Edward M Ross, to be dully Elected Delegate, to represent the County of Bandera in aforesaid Convention.

Given under my hand, and Seal of the County Court of Bandera County this 14th day of January A. D. 1861.

[Seal] Edward M. Ross.
Chief Justice of Bandera Co.[56]

State of Texas }
County of Kerr }

I Jonathan Scott ordered an election for the purpose of electing one delegate to the convention of the people to meet in Austin on the fourth Monday in January A. D. 1861. The said election was held in Kerr County on the 8th day of January A. D. 1861.

According to the returns of said election made to me, Charles Ganahl Esqr. received the highest No of votes polled at said election and he was therefore declared elected.

---

[56] A. D. S.

In testimony whereof I have hereto signed my name and caused the seal of the County Court to be affixed at the office in Comfort this fourteenth day of January A. D. 1861.

[Seal] Jonathan Scott
Attest Chief Justice Kerr County[57]
Theodore Wiedenfeld
Clerk C. C. K. C.

SIXTY-EIGHTH DISTRICT.—Counties: **Burnet*, Llano, San Saba, McCulloch and Concho (2).**

The State of Texas }
Burnet County }

This is to certify that at an Election held in the Counties of Burnet, Llano and Sansaba on the 8th day of January 1861, for the purpose of Electing Delegates to a State Convention to assemble at the City of Austin on the 28th January 1861, when T. M. McCraw Received one hundred and forty seven Votes and is hereby declared Elected.

Given under my hand and the Seal of the County Court at Burnet the 21st day of January A D 1861

[Seal] C. Dorbant, County Com'r[57]

A certificate, same as above, was on same date issued to Thomas Moore, and shows that he received 201 votes.

SIXTY-NINTH DISTRICT.—Counties: **Goliad*, Refugio and San Patricio (2).**

I, William N. Fant, Chief Justice of Goliad county, of the State of Texas, and officer to whom returns are made from the representative district, composed of the counties of Goliad, Refugio and San Patricio, do certify, that A. M. Hobby, of Refugio county, at the election held on the 8th of this month, was duly elected one of the two delegates for said district to the Convention for the State about to assemble.

Witness my signature and official seal, at Goliad this 23d day of Jan. 1861.

[Seal] Wm. N. Fant
Chf Jus. G. Co.[58]

A certificate, same as above, was issued on same date to Pryor Lea of Goliad county.

[57, 58] D. S.

SEVENTIETH DISTRICT.—Counties: Karnes*, Bee, Live Oak, Atascosa, McMullen, Frio, La Salle, Zavala and Dimmit (2).

The State of Texas }
County of Karnes }

I G. M. Reese Chief Justice of Karnes County do hereby certify that at an Election held on the 8th day of January 1861 for the Representative District composed of the counties of Karnes, Live Oak, Bee and Atascosa, for the Election of two Delegates to the State Convention to be held at Austin on the fourth Monday in January, John Donelson of Live Oak County, and John Littleton of Karnes county were elected as said delegates, they having received the largest number of votes polled.

Given under my hand and the seal of the County Court of Karnes County at Office in Helena this the 21st day of January A. D. 1861.

[Seal] G. M. Reese
Chief Justice Karnes County.[59]

The State of Texas }
County of Bee }

To all to whom these presents shall come Know Ye, that Whereas I G D Gay Chief Justice of Bee County, after having Conferred With Many Citizens of said County, in regard to the propriety of electing a delegate from Bee Co to the Convention to assemble at Austin on the 4th Monday of Jany 1861, instead of the plan proposed to wit that of two delegates from the Seventieth dist in order the better to secure a fair representation of the Sentiments of said County, and it appearing to accord with the wishes of the said Citizens and being a Course recommended by them as well as the Chief Justice, the Election Consequently was so ordered,

Now therefore I, G D Gay Chief Justice of said County do hereby Certify that at an Election held at the different election Precincts in said County, on the 8th day of January 1861 for the purpose of Electing one delegate to represent Bee County in a Convention to assemble at the City of Austin on the fourth Monday of January inst. Robert Graham was duly elected delegate from said County to the said Convention

To certify which I hereunto set my hand and affix the Seal of the County Court of Bee County at Beeville on this the 19 day of Jany A D 1861.

[Seal] G. D. Gay
Chief Justice Bee Co[59]

---

[59] A. D. S.

The State of Texas }
County of Karnes }

At an Election held in the County of Karnes on Saturday the 23d day of February A. D. 1861 Charles A. Russel was elected a Delegate to the State Convention, to fill the place of John Littleton resigned, he having received one hundred and eleven votes, the highest number of votes polled for said office

Given under my hand and the Seal of the County Court of said County this 28th day of February A. D. 1861

[Seal]

G. M. Reese
Chief Justice K. C.[60]

SEVENTY-FIRST DISTRICT.—County: **Bexar (4).**

The State of Texas }
County of Bexar }

I Jno H Duncan, Chief Justice in and for the County aforesaid do hereby certify that, at an Election held in said County, on the 8th day of January A. D. 1861, for the Election of Delegates to represent the County of Bexar in a general convention of the people of the State of Texas, to convene at Austin, on the 28th day of January A. D. 1861, to consider of the critical condition of the United States, Robert W. Brahan received seven hundred and thirty-two votes, nine of the nineteen precincts having voted; and that being one of the highest numbers cast the said Robert W. Brahan is hereby declared duly elected one of the delegates aforesaid, in the general convention aforesaid.

Given under my hand this 21 day of January A. D. 1861.

Jno H Duncan C. J. B. C.[60]

Certificates, similar to the above, were issued on January 25th to Thomas J. Devine who received 732 votes, to Samuel S. Smith who received 730 votes and to John A. Wilcox who received 713 votes.

SEVENTY-SECOND DISTRICT.—Counties: **Bexar*, Medina, Uvalde, Dawson, Kinney and Maverick (2).**

The State of Texas }
County of Bexar }

I Jno H Duncan, Chief Justice in and for the County aforesaid, do hereby certify that at an Election held on the 8th day of January A. D. 1861, for the Election of Delegates to Represent the Seventy Second Representative District of said State, in a general Convention of the people of Texas. to convene at Austin on the 28th day of January A. D. 1861, to consider of the present critical condition of the United States, Charles De Montel received, in the County of Bexar, six hundred and ninety two votes—nine of the nineteen precincts voting—and in the County of Medina one hundred and eighteen votes; in all eight hundred and ten votes. And that being one of the highest numbers cast, the said Charles De Montel is hereby declared duly elected one of the Delegates aforesaid to represent the District aforesaid, in the general Convention aforesaid.

---

[60] A. D. S.

Given under my hand this 24th day of January, A. D. 1861.

Jno H Duncan C. J. B. C.[61]

A certificate, same as above, was issued on same date to A. Nauendorf, and shows that he received 545 votes in Bexar county and 118 votes in Medina county—a total of 663 votes.

SEVENTY-THIRD DISTRICT.—County: **Cameron (2).**

State of Texas }
County of Cameron }

Know all men by these presents that at a general Election held in the various precincts of the said County on the 7th day of January A. D. 1861 ordered by the County Commissioners of the County Court of Cameron County and State aforesaid, pursuant to a call from the people for the Election of three Delegates to a State Convention to be held at Austin the Capital of the State, on the 4th Monday of January A. D. 1861 John S. Ford received 294 votes for Delegate to represent said County, at said Election. He is hereby duly elected therefore, that being a Majority

Witness our hands and Seal of the County Court this 16th day of January A. D. 1861

[Seal]

Eben Cobb
Morgan Barclay
A Werbiski

County Commissioners of Cameron County Texas[62]

Certificates, same as above, were on same date issued to F. W. Latham who received 301 votes and to James Walworth who received 327 votes.

SEVENTY-FOURTH DISTRICT.—Counties: **Cameron* and Hidalgo (2).**

The State of Texas }
County of Hidalgo }

At an election held pursuant to previous notice, in Hidalgo County, for the election of One Delegate to the Convention for the State at large to meet at Austin on the Fourth Monday of January A. D. 1861, Edward Dougherty Esqr. received all the votes except two in the County, (Unanimous vote of the County less two,) and was duly elected Delegate to represent this County in said Convention. Election held January 14th A. D. 1861.

---

[61] A. D. S.

[62] D. S.

In Testimony whereof I hereunto set my hand and affix the seal of the Court of said County at Edinburgh this the 17th day of January A. D. 1861.

[Seal] P. Nickels
Chief Justice of Hidalgo County Texas[63]

SEVENTY-FIFTH DISTRICT.—**Counties: Starr* and Zapata (2).**

The State of Texas }
County of Starr }

I Samuel J Stewart of said County do hereby Certify that on the 8th day of January A D 1861, an Election was held in the 75th Representative District of said State according to the act of apportionment passed at the last session of the Legislature of the State, Said District embracing the Counties of Starr and Zapata. Said election was ordered held and returned according to the forms of the law, regulating elections in this State, and for two delegates to represent said District in the Convention of this State, to meet at the City of Austin on the 28th day of January 1861. And I having opened and examined the returns of said election made to me by the Managers of said election at the various Precincts in this County, as well as the returns made to me by the Chief Justice of Zapata County, find that for delegate as aforesaid Edward R Hord received four hundred and twenty six votes, a majority of all the votes polled in said District, and that he the said Hord is duly Elected a delegate to said Convention.

Given under my hand and the Seal of the County Court of said County at Rio Grande City this 18th day of January A D 1861

[Seal] Saml. J. Stewart
Attest Chief Justice Starr County Texas[63]
Peter Dowd Clk
C. C. S. C.

A certificate, similar to that above, was issued on January 29th to Noah Cox, and shows that he received 298 votes.

To the President of the Texas State Convention:

At an Election held in the County of Starr on the 8th day of January one thousand eight hundred and sixty one, for delegates to the Texas State Convention in accordance with notices posted of said Election at the several Precincts in said County, and at the request of the people of said County, the Election was held on said day for the election of said delegates to said Convention, and the following is the result of the same, to wit:

---

[63] A. D. S.

The Office	Names of Candidates	No. of Votes Received
For Delegates	Edward R Hord	Received four hundred and twenty six (426)
to the State	Noah Cox	Received two hundred and ninety eight (298)
Convention	H. P. Bee	Received one hundred and twenty seven (127)

I Samuel J. Stewart Chief Justice in and for the County of Starr State of Texas do hereby Certify that the above is a true and correct return of all the Votes Polled in the 75th representative District, for delegates to the Texas State Convention as appears by the returns made to me by the managers of said Election.

In testimony whereof I hereunto sign my name and affix the Seal of the County Court. Done at Rio Grande City aforesaid County and State this 18th day of January A. D. 1861.

[Seal] Saml J Stewart
Attest Chief Justice Starr County[64]
Peter Dowd Clk
C. C. S. C.

SEVENTY-SIXTH DISTRICT.—Counties: **Webb, Nueces*, Duval and Encinal (2).**

The State of Texas }
County of Nueces }

I H. A. Gilpin Chief Justice in and for the County aforesaid, and returning officer for Representative District Number Seventy Six, Do hereby Certify that at an Election held in said District on Tuesday the 8th day of January A D 1861 For the Election of Two Delegates to the State Convention to be holden in the City of Austin on the fourth Monday of the present month of January P. N. Luckett received three hundred and thirty eight (338) votes, which vote entitles him to a seat in said Convention as one of the Delegates from this District No. 76.

Given under my hand and the Seal of the County Court of Nueces County, this the 19th day of January A. D. 1861

[Seal] H. A. Gilpin,
Chief Justice Nueces County, and returning Officer District 76.[64]

[64] A. D. S.

A certificate, same as above, was issued on same date to Henry A. Maltby, and shows that he received 264 votes.

SEVENTY-SEVENTH DISTRICT.—**Counties: El Paso* and Presidio (2).**

The State of Texas }
County of El Paso }

This is to certify that at an Election held in said County for delegates to a State Convention to be holden in Austin on the 4th Monday in January A. D. 1861, P T Herbert was duly and legally elected as a delegate thereto.

Given under my hand and official seal this 10th day of January A D 1861

[Seal] H. S. Gillett
Chief Justice El Paso Co[64]

A certificate, same as above, was on same date issued to Russel Howard.

SEVENTY-EIGHTH DISTRICT.[66]—County: Wilson.

The State of Texas }
County of Wilson }

I, William Sutherland, Chief Justice of the County aforesaid, do hereby Certify, that at an Election held in and for the County of Wilson, on Tuesday, the eighth day of January, A D 1861, for the election of a Delegate to a State Convention to assemble at the City of Austin, on the twenty-eighth day of January, A D 1861, Claibourne Rector received the highest number of votes polled for any candidate for said office, and the said Claibourne Rector is hereby declared duly elected Delegate to said Convention

In Testimony whereof I hereunto sign my name and affix the impress of my official Seal this twelfth day of January A D 1861

[Seal] Wm. Sutherland
Chief Justice Wilson County.[65]

[64] D. S.

[65] A. D. S.

[66] The county of Wilson was created after the act to apportion the State into representative districts had been passed. A 78th district is mentioned in the Journal.

INDEX

Abercrombie, L. A., delegate, 21, 405, 429.
Abolitionists, mentioned, 63, 64, 122, 123.
Adair, Benjamin, chief justice of Liberty county, 409, 410.
Adams, Henry, killed by Indians, 128, 129.
Adams, W. S. J., delegate, 21, 405, 433.
Adams, W., lieutenant, stationed at Fort Inge, 305.
Address to the people of Texas, being a call for a convention, 9-12, 13, 180; setting forth reasons for secession, 61-65; an exposition of the proceedings of the convention with reasons therefor, 252-261.
Adjutant general of Texas, resolution calling for information, 127; his reply, 149, 150.
Alabama, ordinance of secession, 29, 30, 31; commissioner from, 31; can furnish Texas no arms, 313.
Alamo buildings, mentioned, 274, 276, 286.
Alamo Guards, mentioned, 286.
Alexander, William, chief justice of Anderson county, 414, 415.
Alexander, Dr. —; mentioned, 369, 371.
Allen, H. W., mentioned, 206; communication from, 207.
Allen, James K., mentioned, 433.
Allen, R. T. P., mentioned, 92.
Allen, William A., delegate, 20, 405, 410; deputy county surveyor, 177.
Anderson, James M., delegate, 20, 405, 416; ordinance by, 53.
Anderson, M. D., representative, 14.
Anderson, T. S., delegate, 21, 405; resolution by, 107; ordinance by, 247.
Annexation of Texas to the Confederate States of America. *See* Union of Texas with, etc.
Apperson, W. W., signed call for a convention, 12.
Arizona, resolution to send commissioners to, 45, 81.
Arizona, ship, mentioned, 351; conduct criticised, 347, 360; carried the flag of Louisiana, 360.
Arms, want of in Texas, 109, 124, 132, 136, 206, 263, 308, 309, 310, 313, 314, 395, 403; resolution relative to arms, 45; purchase of additional arms, 99, 106, 125, 126, 127; distribution of arms, etc., 131; appointment of quartermaster general, 136, 143; "Twin Sisters" returned to Texas by Louisiana, 206, 207, 308, 309, 311, 312; commissioner sent to Louisiana for arms, 52, 309, 310; his report, 315; arms obtained by the commissioners to San Antonio, 282, 283, 395; arms obtained by commissioner to the Rio Grande, 352-355.
Armstrong, James R., delegate, 17, 20, 405, 416; resolution by, 24.
Armstrong, M. L., representative, 85.
Artillery at Forts Brown and Duncan not surrendered, 278, 282, 295, 296; number of pieces, 282; value, 282; relative to distribution of to harbors, 99; ordnance shipped to Galveston, 343, 394.
Arnold, A. K., lieutenant, sent to punish Indians, 128.
Askew, Richard S., delegate, 20, 405, 422.
Austin, Gen. W., mentioned, 365.

Bagby, George H., delegate, 87, 97, 408, 421.
Bailey, Edward, signed call, 13.
Banks, J. B., signed call, 12.
Banton, Joab H., chief justice of Walker county, 428.
Barclay, James, representative, 14.
Barclay, Morgan, mentioned, 449.
Barry, James B., captain, mentioned, 370, 372, 375, 377, 383, 442; stationed at Camp Cooper, 382.
Batte, William C., delegate, 20, 22, 405, 420.
Baxter, Eli H., Jr., representative, 14, 176; delegate, 408, 418.
Bayless, Rev. W. H., requested to serve as chaplain, 26, 27; accepted, 41.
Baylor, George, signed call, 12.
Baylor, John R., signed call, 12; elected lieutenant-colonel, 201, 202; campaign into Indian country, 375, 376.
Bean, Mark, signed call, 12.
Beasley, S. W., delegate, 405, 420; resolution by, 34.
Bee, H. P., mentioned, 451.
Beebe, S. P., delegate, 191, 211, 408, 433.
Belknap, Fort, mentioned, 366.
Benevides, Bacilio, representative, 14.
Benevides, Santos, mentioned, 193.

Bennett, —, lieutenant, stationed at Fort Clarke, 305.
Benton, B. E., lieutenant, stationed at Fort Mason, 305.
Berry, Alex., mentioned, 425.
Berry, James B. *See* Barry.
Billingsley, Jesse, representative, 14; signed call, 12.
Billingsley, R. M., mentioned, 441.
Black, S. E., delegate, 20, 405, 421.
Blair, W. P., captain, mentioned, 284, 285; report of funds in office of commissary of subsistence, 306, 307.
Blanch, E. A., senator, 14.
Bliss, Fort, mentioned, 270, 282; troops stationed, 334.
Blythe, William T., delegate, 20, 405, 422.
Bogart, Samuel, representative, 85; delegate, 21, 405, 426.
Bomar, R. M., signed call, 13.
Bonas, A. B., mentioned, 435.
Bouldin, Lillie, with others presented flag to the convention, 27.
Bourland, James, commissioner to Indian nations, 221, 244.
Bowman, M. M., chief justice of Titus county, 419.
Box, John, delegate, 20, 405, 414.
Brackett, —, captain, mentioned, 305.
Bradfute, H. R., recommended, 138.
Bradshaw, Amzi, delegate, 21, 405, 432.
Bragg, Braxton, mentioned, 310, 311, 312, 313.
Brahan, Robert W., delegate, 22, 405, 447; resolution by, 100.
Branch, A. M., representative, 14.
Brashear, J., mentioned, 428.
Brazos Santiago, public property ordered destroyed, 340; occupied by Texan force, 324; excitement among Texan forces, 346, 347, 359; value of public property taken, 333; invoice of ordnance stores, 352-355; some ordnance shipped to Galveston, 343, 394; importance as a military position, 325, 326, 327, 402; fortification, 345; Captain Powers stationed, 401.
Britton, Forbes, senator, 14.
Broaddus, A. S., notary public, 177; delegate, 21, 405, 438; resolution by, 98.
Brodie R. L., surgeon, 128.
Bronaugh, John M., tendered service, 132; report on, 170.
Brown, John Henry, delegate, 18, 19, 21, 405, 440; chairman of committee to set forth causes of secession, 61; reason for voting to submit ordinance of secession to a vote of the people, 84, 85; member of committee to prepare exposition of the proceedings of the convention, 261; resolutions by, 18, 26, 53, 84, 222, 228, 245, 247; ordinances by, 37, 81.
Brown, Julius, page, 27.
Brown, Fort, mentioned, 270, 401, 403; capture of wagons destined for, 285, 286; troops stationed, 385. *See also* Captain B. H. Hill.
Brownrigg, R. T., signed call, 12; secretary of the convention, 17; continued in office during recess, 83; secretary of the committee on public safety, 271, 365; salary, 225.
Bryan, Guy M., nominated delegate to Montgomery convention, 79.
Bryan, K., representative, 14.
Buckley, C. W., representative, 14.
Buckner, Bettie, with others presented flag to the convention, 27.
Burditt, Henry N., delegate, 21, 405, 438.
Burford, Nat M., nominated delegate to Montgomery convention, 78.
Burlage, John, mentioned, 17, 18.
Burleson, John, signed call, 12.
Burleson, A. B., captain, mentioned, 383; stationed midway between Fort Chadbourne and Camp Colorado, 376, 377.
Burney, James L., chief justice of Limestone county, 430, 431.
Burnham, Jesse, mentioned, 49.
Burns, C. E., signed call, 13.
Burroughs, James M., delegate, 20, 405.
Burton, John I., delegate, 20, 405, 413.
Byrd, William, signed call, 12.

Caddell, John W., representative, 14.
Calhoun, J. M., commissioner of Alabama, 31.
Call for election of delegates to a State convention, 9-12.
Callaghan, Charles, mentioned, 192.
Callahan, S. B., mentioned, 92.
Callahan, James H., captain, mentioned, 376.
Camp, L. B., representative, 14, 85.
Campbell, Clark, surgeon, 344.
Campbell, Marcus, assistant surgeon, 344.
Campbell, Robert C., delegate, 21, 405, 426; resolutions by, 52, 110, 174, 223; ordinances by, 92, 106, 110, 141; nominated delegate to Montgomery convention, 79.
Carleton, Will, signed call, 13.
Carnes, C. W., chief justice of Comanche county, 441.
Carnes, Rev. J. E., chaplain, 344.
Carpenter, S. D., captain commanding Camp Cooper, mentioned, 373,

380, 381; correspondence with W. C. Dalrymple, 385-388.
Carter, Rev. George, mentioned, 19.
Casey, Lewis F., delegate, 20, 405. 412.
Cave, E. W., secretary of state, 83; failed to take prescribed oath, 184.
Certificates of election, 409-452.
Chadbourne, Fort, mentioned, 271, 366, 369, 372; evacuation of delayed, 375; troops stationed, 335.
Chalmers, William L., signed call, 12; temporary secretary, 15, 41; chief clerk of house of representatives, 31, 226.
Chambers, John A., delegate, 87, 97, 408, 421; resolution by, 194.
Chambers, John G., senator, 14, 176; delegate, 20, 22, 405, 420.
Chambers, T. J., signed call, 12; delegate, 20, 405, 409; chairman of committee on federal relations, 35, 36; resolutions by, 87, 127, 141; ordinances by. 133, 195, 234.
Chambers, William, delegate, 20, 405, 409; resolution by, 212; ordinance by, 106.
Charlton, N. B., delegate, 20, 405, 410.
Chenault, F., mentioned, 443, 444.
Childers, Levi G., chief justice of Red River county, 421.
Chilton, George W., mentioned, 10; delegate, 20, 405, 418; report by, 179; resolutions by, 28, 42, 53, 69, 90, 149. 180; ordinances by, 108. 195, 222, 239.
Chisum, Isham, delegate, 20, 405, 423; ordinance by, 194.
Citizenship, ordinances concerning, 111, 140, 172, 173, 198, 223, 224, 225. *See also* Committee on Citizenship.
Clark, Ed., lieutenant-governor, 9. 37; signed call, 12; took prescribed oath of office, 183,
Clark, William, Jr., representative, 14, 176; delegate, 27, 405, 413.
Clark, Fort, mentioned, 282, 305; troops stationed, 335.
Clayton, Joseph A., delegate, 21, 405, 432.
Cleveland, Charles L., delegate, 16, 20, 405, 410; resolution by, 24; ordinances by, 174, 232.
Clopton, A. G., delegate, 16, 20, 405. 419.
Cobb, Cary, chief justice of Kaufman county, 423.
Cobb, Eben, mentioned, 449.
Cobb, Howell, communications from, 191, 209.
Coast, distribution of artillery to harbors, 99; protection of, 140, 174.
Coercion, Governor Houston on, 31, 32; legislature of Tennessee on, 32; believed to be the policy of Lincoln's administration, 262, 308, 313. 378.
Coke, Richard, delegate, 18, 22, 405, 441; resolution by, 82.
Cole, James P., chief justice of Galveston county, 426.
Collins, E., chief justice of Lamar county, 422.
Colorado, Camp, mentioned, 223, 366; surrender of, 369, 370-372; troops stationed at, 335.
Comanche Agency, Old, mentioned, 385, 386, 387.
Commerce, ordinance relative to, 92. *See also* Committee on Commerce.
Commissioners to confer with General Twiggs, resolution creating, 263; names, 264; commission, 265; instructions, 266-268, 273, 274; correspondence with General Twiggs, 287-288, 294; correspondence with military commission, 288-293; correspondence with Colonel Waite, 298-305; reports to the committee on public safety, (Feb. 8) 268-270, (Feb. 10) 272, 273, (Feb. 18) 274-276, (Mar. 2) 279-285, (Mar. 6) 285, 286; publish the arrangement made with General Twiggs, 297; criticism of the agreement, 369, 371, 378; expenses, 285, 397, 398; vouchers for receipts and expenditures, 396, 397.
Committees to elect their chairmen, 24.
Committees—Select:
  To notify governor, 19, 23, 24, 34; personnel, 34; reports, 37, 46, 47.
  To notify legislature, 24, 34; report, 66.
  To invite Rev. Mr. Bayles to serve as chaplain, 26; personnel, 27; report, 41.
  To receive flag, 27.
  To deliver flag to governor, 247; report, 250.
  To consider oath for delegates, 25; personnel, 28.
  To invite commissioner from South Carolina, 28; personnel and report, 35.
  To wait on commissioner from South Carolina, 46, 50.
  To wait on commissioner from Georgia, 71; report, 72.
  To invite certain state officials, 48.
  To arrange seats for guests, 48.
  To set forth causes for secession, 53; personnel, 59; report, 61-65.

To circulate ordinance of secession, 59.

To consider ordinances and resolutions relative to sending delegates to Montgomery convention, 68; report, 73, 74.

To consider the union of Texas with the Confederate States, 92; report, 95, 96.

To wait on governor, 98; report, 112, 113.

To define treason, 90, 100; report, 109, 110.

To consider resolutions declaring vacant the offices of governor and secretary of state, 184; report, 185.

To confer with house of representatives, 194; report, 196.

To prepare an exposition of the acts of the convention, 242; the exposition, 252-261.

Committees—Standing:

On business, 24; personnel, 25; changes, 125; reports, 125, 127; ordinances by, 37, 125.

On citizenship, 100; personnel, 109; changes, 112, 114, 125, 136, 137; reports, 140, 198; ordinances by, 140, 172, 173, 198, 225.

On commerce and navigation, 42; personnel, 48; changes, 50, 53, 100, 174; reports, 150, 216; ordinance by, 116.

On constitution, 91; personnel, 100; changes, 102, 107, 111, 112, 125, 137; reports, 115, 139, 210, 216, 227, 237; ordinances by, 116, 139 172, 199, 210, 237.

On contingent expenses, 102; personnel, 109.

On credentials, 15, 16; personnel, 18; reports, 20-23, 97, 119, 211, 216.

On enrollment, 110; reports, 225, 226, 250, 251; granted extension of time, 240.

On engrossed bills, 131; personnel, 132; reports, 145, 146, 173, 198, 210, 248.

On federal relations, 19, 24; personnel, 25; changes, 41; reports, 35, 36, 116; ordinances by, 35, 58.

On finance, 24; personnel, 28; changes, 53, 100, 102, 107, 108, 112, 125, 137, 148; reports, 150-163, 216; instructions to confer with finance committees of legislature, 41; resolution by, 216; ordinance by, 151.

On foreign relations, 34; personnel, 48; changes, 69, 102, 112; reports, 170, 171, 216-222, 227; instructed to consider expediency of recognizing seceded States, 61; resolution by, 227; ordinances by, 35, 58, 81, 137, 172, 220-222.

On frontier protection, 108; personnel, 115; changes, 125, 137; resolution by, 228.

On postal affairs, 53, 107; personnel, 54; changes, 137; reports, 125, 150.

On printing, 66; changes, 70; instructions, 200; time extended, 239, 240.

On public safety, 24; personnel, 28, 404; changes, 41, 53, 60, 71, 91; empowered to appoint officers, 60; authorized to remain in session during recess, 71; authorized to expend public funds, 67, 81, 82; oath of secresy, 264, 333, 334; visit Galveston, 273, 364; correspondence with George Williamson, 308, 309; appoint commissioners to confer with General Twiggs, 264; appoint commissioner to procure arms, 309; appoint a financial agent to procure funds, 317-319; appoint commander of the Rio Grande military district, 320-324; appoint commissioner to northwest frontier, 366-368; appoint commander at Galveston, 390; appoint a committee to wait on the governor, 399; reports, 115, 132, 136, 191, 192, 215, 227, 239, 262-404; committee to superintend printing of the reports, 131; resolutions by, 60, 227; ordinances by, 115, 142, 143, 215; tendered vote of thanks, 130; per diem, 247.

On resolutions, 24; personnel, 28; change, 107.

Cone, —, lieutenant, mentioned, 376.

Confederate States of America. *See* Constitution of; convention at Montgomery; union of Texas with.

Connally, J. M. C., mentioned, 419.

Conner, Dan A., captain, mentioned, 324, 359; commanded Fort Bend Rifles, 345; signs bond of John L. Greer, 352.

Conoly, J. L., mentioned, 431.

Constitution of the Confederate States—provisional, ratified, 96, 101—permanent, ordinances for submitting it to a vote of the people, 39, 40, 141, 212, 233; committee to examine it, 107, 108; received, 208; resolution that it be ratified by the convention, 212; considered, 232, 233, 234; ratified by convention, 235; reasons for action of the convention, 257, 258.

Constitution of Texas, in regard to amendment of, 83, 118, 133, 134, 135, 136, 198, 199, 222; resolution to authorize legislature to call a convention to amend, 174; ordinanc to call a convention to amend, 195; proposed amendment of article I, 200; of sections 1 and 2, article III, 172, 173, 198; of section 25, article III, 210; of section 27, article III, 195; of section 3, article VI, 149; of article VII, 237, 246; of section 1, article VII, 116, 146, 147, 163, 164; of section 7, article VII, 199, 210, 228-231; of section 33, article VII, 150; of section 34, article VII, 194; of section 37, article VII, 174, 210; of section 2, article X, 151, 157-163, 214, 215; of section 3, article X, 131.

Convention at Montgomery, Alabama, resolution to elect delegates, 32, 33; to elect commissioners, 33, 34; ordinance to appoint delegates, 37; substitutes for, 68; all referred to committee, 68; committee's substitute resolution adopted, 73, 74, 75, 76, 78; delegates elected, 78-80; proposal to limit their powers, 83; their reception, 117; instructed to recommend Monroe doctrine, 46; to advocate measures prohibiting States from abolishing slavery, 53; to suggest name for Southern confederacy, 84; to obtain equal rights for Texas ports, 174, 216; to do away with courts similar to U. S. district courts, 174; to restrict powers of federal courts, 194; to transmit resolution of confidence in president and vice-president of the Confederate States, 174, 175; communications from delegates, 207, 208.

Convention of Texas. *See* Secession convention.

Cook, James E., delegate, 21, 405, 433; resolution by, 69.

Cooke, D. S., mentioned, 439.

Cooksey, M. L., signed call, 12.

Cooper, Camp, mentioned, 102, 142, 366, 377; surrendered to Colonel Dalrymple, 369, 372, 375, 383, 384; conduct of Texans criticised, 375, 381, 382; Colonel McCulloch's negotiations with troops who evacuated Camp Cooper, 377; camp turned over to Colonel McCulloch, 379, 380; troops stationed, 335.

Corn, price on frontier, 398.

Corporations; ordinances relating to loans made to, 237, 238, 239, 246.

Costa, John B., signed call, 12.

Coupland, A. J., chief justice of Cherokee county, 416.

Courts, resolution proposing temporary suspension of supreme and district courts, 71; relative to jurisdiction, 107, 239, 242; relative to district and justices courts, 131, 139, 140; ordinance to prevent release of persons indicted in U. S. district court, 107; resolution criticising U. S. district court, 174; ordinance concerning U. S. courts in Texas, 243; ordinance concerning suits, records, etc., in U. S. courts in Texas, 249, 250; ordinance to prevent citizens of U. S. from suing in Texas courts, 139.

Covey, W. W., mentioned, 419.

Cowan, D. C., captain, mentioned, 370.

Cox, Noah, delegate, 22, 405, 450, 451.

Craig, E. F., representative, 14.

Crawford, A. F., representative, 14.

Crawford, George W., nominated delegate to Montgomery convention, 79.

Crawford, John F., chief justice of Fannin county, 424.

Crofford, James M., mentioned, 433.

Crooks, T. J., representative, 14.

Crosby, S., signed call, 12.

Crozier, A. R., signed call, 12.

Crozier, John W., chief justice of Hardin county, 410.

Culberson, D. B., representative, 14.

Cumby, R., representative, 14.

Cunningham, —, lieutenant, mentioned, 370.

Dale, Matt, representative, 14.

Dallas Light Artillery, mentioned, 54.

Dalrymple, W. C., aid-de-camp to the governor and colonel, mentioned, 377, 379, 380, 382; communications from, 102, 384; seized Camp Cooper, 369, 372, 381, 382, 384-388; correspondence with S. D. Carpenter, 385-388; command should be united with Colonel McCulloch's, 383.

Dancy, John W., delegate, 21, 405, 437; resolutions by, 61, 69, 91, 149, 150; ordinances by, 224, 243.

Daniel Webster, mentioned, 326, 331, 345, 346, 358.

Darden, W. J., signed call, 12.

Darnell, N. H., representative, 14; nominated colonel, 200.

Darnell, Smith, wanted arms, 109.

Davenport, Thomas G., delegate, 55, 405, 417.
Davidson, A. H., delegate, 16, 18, 21, 405, 435; resolutions by, 16, 45, 57, 107; ordinances by, 106, 141, 143.
Davidson, Ruth T., with others presented flag to convention, 27.
Davidson, S. G., lieutenant, mentioned, 377.
Davis, Black, representative, 14.
Davis, J. W., representative, 14.
Davis, —, captain, mentioned, 324, 344.
Davis, Fort, mentioned, 282, 305; troops stationed, 335.
Dawson, Elijah A., left wounded at Fort Chadbourne, 376.
Deen, Calloway, delegate, 20, 405, 412.
Denman, C., sergeant, stationed at Fort Stockton, 305.
Dennis, I. N., representative, 14.
Devine, Thomas J., district judge, 176; delegate, 22, 405, 447; nominated delegate to Montgomery convention, 78; commissioner to confer with General Twiggs, 264, 398; resolutions by, 24, 69, 91; ordinances by, 99, 185.
Diamond, James J., delegate, 55, 405; resolution by, 90.
Diamond, William W., delegate, 21, 405, 425.
Dodge. See Henry Dodge.
Donelson, John, delegate, 22, 405, 447.
Donnelly, —, captain, mentioned, 345 401.
Dorbant, C., mentioned, 446.
Dougherty, Edward, delegate, 68, 405, 450.
Douglass, W. P. H., chief justice of Guadalupe county, 444.
Dowd, Peter, mentioned, 451.
Dowling, Josiah, mentioned, 443.
Duggan, T. H., senator, 14.
Dulany, H. P. O., senator, 14.
Duncan, J. H., representative, 14.
Duncan, John H., chief justice of Bexar county, 447, 448.
Duncan, Fort, mentioned, 271, 275, 305, 320; evacuated, 327; troops stationed at, 335.
Dunham, Joseph H., delegate, 21, 405, 428.
Dunn, M. S., mentioned, 17.
Durham, B. F., sergeant-at-arms of convention and of committee on public safety, 18, 19, 365; resigned, 225.
Durham, George J., signed call, 12.
Dysart, E. B., chief justice of Shelby county, 412.

Early, Elbert, delegate, 16, 21, 27, 405, 424; excused from attendance, 245; resolution by, 83.
Edgar, —, captain, mentioned, 286.
nburg, mentioned, 401.
Edwards, H. H., representative, 14; delegate, 27, 405, 413.
Edwards, —, captain, mentioned, 324, 401.
Election certificates, 409-452.
Ellett, William A., representative, 14, 85.
El Paso reserve, 152, 161.
Epperson, B. H., representative, 14, 85.
Erath, George B., senator, 14.
Evins, John C., letter from, 192-194.
Ewell, Fort, mentioned, 402.
Evans, D. A., mentioned, 442.
Extradition, relative to rendition of fugitives from Mexico, 53; concerning fugitives from service and from justice, 112; reports on, 171, 172, 227, 228.

Fall, John N., senator, 14, 176; delegate, 27, 405, 413.
Fant, William N., chief justice of Goliad county, 446.
Federal affairs, ordinance relative to, 118. *See also* United States.
Feeney, John H., delegate, 21, 406, 438.
Ferris, George A., inquired about arms, 109.
Field, Drury, chief justice of Panola county, 417; delegate, 16, 18, 20, 406, 417.
Finances of Texas, resolution proposing sale of bonds, 107; ordinance to raise money, 118; committee's substitute ordinances, 150-163, 212, 214; loan authorized, 317, 318, 319, 320.
Finney, F. E., mentioned, 178.
Flag, presented to the convention, 27, 42, 49, 66, 67; deposited with governor, 247; hoisted, 325, 388, 403; some facts concerning, 103-106.
Fletcher, S., signed call, 12.
Flewellin, R. T., representative, 14.
Flournoy, George, attorney general, 176; assisted O. M. Roberts in drafting call for a convention, 9; signed call, 12; delegate, 16, 21, 406, 438; resolutions by, 48, 222.
Ford, John S., assisted O. M. Roberts in drafting call for a convention, 9; delegate, 16, 22, 406, 449; mentioned, 102, 180, 244; elected colonel, 200, 201; appointed commander of the Rio Grande expedition, 318, 321-324; occupies Brazos Santiago, 324; reaches Brownsville, 325; correspondence with Captain Stoneman, 327-329; address to peo-

ple of Rio Grande valley, 329-331; reports, (Feb. 22) 324, 325, (Feb. 25) 331-333, (Mar. 6) 325-327, (Mar. 7) 327, (Mar. 13) 329, (Mar. 20) 401-403; protests against removal of military supplies from Rio Grande, 402; his command reorganized, 401.

Ford, Spencer, delegate, 21, 405, 440; excused from attendance, 245; resolution by, 32.

Foreign coin, ordinance concerning, 173, 174.

Forshey, Caleb G., communications from, 92, 103-106.

Fort Bend Rifles, mentioned, 345.

Forts. *See* the word following the prefix *fort.*

Foscue, F. F., mentioned, 79, nominated colonel, 200.

Foster, George P., chief justice of Fort Bend county, 435.

Francis, J. C., representative, 14.

Frontier, unprotected, 62, 64, 123, 387, 383; desolation, 373; poverty, 382; price of corn, 398; protection, 152, 256, 287; resolution for protection, 180; ordinance for protection, 115, 129, 130, 133.

Frost, Thomas C., delegate, 22, 406, 441; captain, mentioned, 370, 372, 374, 377, 383; stationed at Camp Colorado, 369, 476.

Fry, James H., signed call, 12.

Fugitives. *See* Extradition.

Fulgham, Robert C., chief justice of Tyler county, 410, 411.

Galloway, Amos P., delegate, 20, 406, 416.

Galveston Artillery, mentioned, 345, 349.

Galveston Rifles, mentioned, 343, 345.

Ganahl, Charles, delegate, 22, 406, 445.

Garcia, Guadalupe, commandante of the line on the Bravo, 332.

Gay, G. D., chief justice of Bee county, 447.

General Rusk, ship, conveyed Texan troops to the Rio Grande, 325, 337, 361; movements of, 342, 344, 345, 348; brought ordnance to Galveston, 394; chartered by United States, 348, 357, 362.

Gentry, A. M., senator, 14; president of railroad, pays duty on cargo of iron to Texas, 390, 392, 395.

Georgia, commissioner from, 70; ordinance of secession, 70.

Gibbs, Samuel D., chief justice of Smith county, 418.

Gibson, J. P., signed call, 12.

Gillett, H. S., chief justice of El Paso county, 452.

Gilpin, H. A., chief justice of Nueces county, 451.

Glenn, J. A., chief justice of Caldwell county, 440.

Good, John J., signed call, 13; communication from, 115, 198; nominated lieutenant-colonel, 201.

Goode, G. J., chief justice of Jasper county, 411.

Gould, Robert S., delegate, 21, 406, 430, 431; granted leave of absence, 212; ordinance by, 212.

Graham, Malcolm D., signed call, 13; delegate, 16, 17, 18, 20, 406, 416; nominated delegate to Montgomery convention, 79; resolution by, 131; ordinances by, 92, 118, 133, 173, 211, 236.

Graham, Robert, delegate, 22, 406, 447.

Graves, A. G., mentioned, 425.

Gray, E. F., tendered service, 124.

Gray, Peter W., delegate, 16, 21, 406, 427; nominated delegate to Montgomery convention, 79; resolution by, 34.

Green, John A., signed call, 12; delegate, 16, 17, 21, 265, 406, 438; resolutions by, 16, 251; ordinance by, 233.

Green, Thomas, signed call, 12.

Greer, John L., ordnance sergeant, reappointed, 342; bond, 352; invoice of ordnance, 352-355; ordered to ship ordnance to Galveston, 349, 350.

Gregg, Alexander, bishop, mentioned, 15, 57.

Gregg, John, signed call, 12; delegate, 21, 406, 430; resigned, 86; elected delegate to Montgomery convention, 79, 80; communication from, 102, 116-118; resolutions by, 41, 83.

Grimes, Jesse, senator, 14.

Guess, George W., signed call, 12.

Guinn, R. H., senator, 14.

Guinn, —, delegate (?), 413.

Hall, J. W., representative, mentioned, 270.

Hall M. J., delegate, 408, 418; ordinance by, 131.

Halley, R. B., captain, tendered service, 80; mentioned, 370, 372, 377, 383; stationed at Fort Chadbourne, 375.

Hamilton, Charles A., commissioner to Indians, 81, 221, 244.

Hamman, W. H., mentioned, 437.

Hamner, H. A., mentioned, 102, 370, 384; nominated colonel, 200; nominated major, 202.

Hancock, John, representative, 85.

Harby, Levy C., tendered services, 137.

Hardeman, W. N., signed call, 12.

Hardeman, William P., delegate, 17, 22, 406, 444.

Harman, L. G., senator, 14.

Harris, J. C., manager of Southern Steamship company, chartered the *General Rusk* to Texas, 337, 351, 348 359-362.

Harrison, James E., signed call, 13; commissioner to Indians, 221, 244.

Harrison, James M., delegate, 198, 211, 408.

Harrison, —, captain, mentioned, 370, 383.

Hart, M. D., senator, 14, 85.

Hartley, R. K., representative, 14.

Haynes, J. L., representative, 85.

Haynes, —, lieutenant, stationed at Camp Verde, 286.

Haynie, H. H., temporary secretary, 15, 41.

Hays, John R., delegate, 20, 406, 413; resolution by, 194.

Heffter, H., chief justice of Comal county, 445.

Heflin, J. T., chief justice of Houston county, 413, 414.

Hemphill, John, elected delegate to Montgomery convention, 78, 79, 80.

Henderson, James W., representative, 14, 176; delegate, 87, 97, 408, 428; resolutions by, 90, 133, 185, 251.

Henry, J. E., representative, 85.

Henry, J. Pat, mentioned, 17.

Henry, John R., delegate, 86, 211 408, 430.

Henry Dodge, revenue cutter, seizure of, 181, 182, 389, 390, 391.

Herbert, C. C., senator, 14.

Herbert, Philemon T., delegate, 23, 406, 452; resolution by, 52.

Herbert, W. J., nominated major, 202.

Hicks, Archibald W. O., district judge, 176; delegate, 20, 406, 412; resolutions by, 141, 174.

Higgins, J. C., signed call, 12.

Hill, B. H., captain commanding Fort Brown, inclined to resist Texan force, 331, 338, 339, 340, 347; correspondence with E. B. Nichols, 337-342; agrees to surrender Fort Brown, 347, 348.

Hill, Thomas, B. J., delegate, 21, 406, 438.

Hobby, Alfred M., notary public, 177; delegate, 22, 406, 446.

Hogg, Joseph L., delegate, 17, 20, 406, 416; nominated delegate to Montgomery convention, 79.

Holland, C. W., chief justice of Denton county, 433.

Holland, J. L., county treasurer, 177, delegate, 120, 192, 408, 411.

Holliday, J. D., letter from, 132.

Hollingsworth, Stephen P., carried despatches to Montgomery, 175, 240, 242.

Holley, R. B. *See* Halley.

Holt, J. J., delegate, 15, 22, 406, 442; resigned, 86, 443.

Hooker, James, delegate, 16, 21, 406.

Hopkins, C. A., mentioned, 15; page, 27; carried despatch, 223.

Hopkins Rifles, mentioned, 178.

Hord, Edward R., delegates, 22, 406, 450.

Horst, Louis, signed call, 12.

Horton, A., tendered service, 136.

Horton, A. C., nominated delegate to Montgomery convention, 79.

Houghton, W. M. S., representative, 14.

House of representatives, use of its hall requested by the convention, 34, 35, 194, 196; requests the convention to pass an ordinance empowering the legislature to borrow funds, 226, 227. *See also* Legislature.

Houston, Sam, governor, opposed calling a convention, 9, 10; convened legislature 10; transmitted communication from Alabama convention, 29; transmitted resolutions of Tennessee assembly, 31, 32; letters to committee of the convention, 47, 113, 114; attended convention when vote on ordinance of secession was taken, 48; announced result of vote on ordinance of secession, 48; announced result of popular vote on ordinance of secession, 88; refused to recognize convention, 113, 114; resolution asserting powers of the convention, 114, 119; requested to transmit to convention certain documents, 141, 142; notified regarding oath of office prescribed by convention, 178, 179; his reply, 179; failed to take oath, 183; opposed to convention, 257; corresponded with General Twiggs, 399, 400; views in regard to seizure of United States property in Texas, 399, 400.

Howard, Russell, delegate, 23, 406, 452.

Hoyle, A. Clark, delegate, 21, 406, 432.

Hubbard, R. B., representative, 14.

Hubert, Frank, representative, 14; mentioned, 286.

Hudson, Camp, mentioned, 282, 305; troops stationed, 335.

Hughes, Thomas P., delegate, 21, 406, 439; resolution by, 54.
Hunt, Wilkins, county commissioner, 176; delegate, 86, 97, 408, 443.
Hunter, Gilbert M., mentioned, 437.
Hunter, —, mentioned, 398.
Hunter, Camp, mentioned, 442.
Hutcheson, J. W., delegate, 21, 406, 428; resolution by, 69.
Hyde, A. C., senator, 14, 270.

Indians, ordinance to secure friendship of certain Indian nations, 37, 81, 111; treaty proposed, 217-222; commissioners to, 244, 245.
Indian depredations, mentioned, 128, 192-194, 329, 401; want of protection, 62, 64, 123, 373, 376.
Inge, Fort, mentioned, 128, 305; troops stationed, 335.
Inventors, ordinance to protect, 106.
Ireland, John, delegate, 17, 22, 406, 444; resolutions by, 52, 67, 98, 184; ordinance by, 110.
Ives, Camp, troops stationed, 335.

Jack, Thomas M., adjutant, 343, 344.
Jackson, T. C., signed call, 12.
Jefferson county company, mentioned, 145, 394, 395.
Jennings, Thomas J., delegate, 16, 19, 20, 406, 416; resolution by, 16, 49; ordinance by, 248.
Jewfer, —, lieutenant, mentioned, 369, 371.
Johns, Clement R., signed call, 12; comptroller, 183.
Johnson, Asa, mentioned, 419.
Johnson, George W., chief justice of Austin county, 435.
Johnson, J. F., delegate, 19, 20, 22, 406, 420.
Johnson, J. W., doorkeeper, 19; excused from attendance, 245.
Johnson, William H., delegate, 27, 85, 406, 421.
Joiner, N. C., county commissioner, 436.
Jones, Fielding, delegate, 22, 406, 442; resigned, 86, 443; resolution by, 147.
Jones, P. H., chief justice of Bastrop county, 438.
Jones, Tignal W., delegate, 87, 97, 408, 419.
Jones, Walter, lieutenant, mentioned, 387.
Jordan, —, captain, mentioned, 305.

Kelley, William C., delegate, 20, 406, 416; resolutions by, 174, 195; ordinance by, 195.
Kelsey, Mary, scalped by Indians, 128.
Kemble, A. A., signed call, 12.
King, John H., captain, protest entered against his enlisting soldiers, 284, 298.
King, W. D., county clerk, 439.
Kingsbury, —, mentioned, 357.
K. G. C., number participating in capture of San Antonio, 274, 277.
Koester, Theo., delegate, 22, 406, 445.
Komar, John, captain, mentioned, 376.
Kyle, C., signed call, 13.
Kyle, Henry, inquired about arms, 109.

Lamar cavalry, mentioned, 114.
Lancaster, Fort, mentioned, 282, 305; troops stationed, 335.
Lane, George, chief justice of Harrison county, 418,
Lane, W. P., nominated lieutenant-colonel, 201.
Latham, F. W., delegate, 41, 406, 449; collector of customs, surrendered property to Texas, 346, 356; invoice of property, 356, 357; reappointed, 346; signed bond of John L. Greer, 352; assisted Texans on Rio Grande, 332, 337.
Laws of Texas, ordinance to substitute the words C. S. A. for U. S. A., 243, 244.
Lea, Pryor, delegate, 22, 406, 446; chairman of committee to prepare exposition of acts of the convention, 261; resolutions by, 24, 50, 111, 112, 174, 242; ordinances by, 232, 249.
Lee, Joseph, signed call, 12.
Lee, R. J., captain, mentioned, 178.
Legislature, resolution recognizing the convention, 13, 14, 180; committee to notify, 34, 36; conference of finance committees, 41; requested to provide for expenses of the convention, 53; resolution to notify legislature of governor's refusal to take prescribed oath of office, 184.
Lester, James S., delegate, 21, 406, 436.
Lesueur, C. M., county commissioner, 177; delegate, 21, 406, 439; resolution by, 102.
Lewis, Charles, representative, 14.
Lewis, John M., representative, 14.
Lewter, Jonathan, representative, 14
Liberty company, mentioned, 343, 345, 348; returned home, 349.
Lightfoot, J. H., signed call, 13.
Ligon, J. J., chief justice of Johnson county, 432.
Ligon, Smith W., county commissioner, 436.

Lincoln, Abraham, president-elect, sectional vote, 51; coercion, 262; inauguration caused excitement, 346, 347, 359.

Little, —, surgeon, 382.

Littleton, John, delegate, 22, 406, 447; resigned, 86, 447.

Littleton, —, captain, mentioned, 402.

Locke, M. F., delegate, 20, 406, 421; resolutions by, 24, 53, 130, 131, 149, 199; ordinance by, 246.

Lockridge, S. A., bearer of dispatches, 209.

Loftin, Oliver, delegate, 20, 406, 419; resigned, 87.

Logan, A. T., assistant sergeant-at-arms, 15, 18, 19.

Lone Star Rifles, mentioned, 343.

Lott, E. E., senator, 14.

Loughridge, J. R., chief justice of Navarro county, 432.

Louisiana, commissioner from, 120-123, 308, 309; flag, 103-105; appealed to for arms, 308-315; 337.

Love, J. E., adjutant, mentioned, 359.

Lowe, —, captain, mentioned, 376.

Lubbock, Frank, mentioned, 79.

Lubbock, Thomas S., delegate, 21, 406, 427; mentioned, 265; resolution by, 67.

Luckett, Phillip N., delegate, 22, 406, 451; commissioner to confer with General Twiggs, 264; resolution by, 69.

Lunday, R. H., assistant secretary, 17, 18.

Lynch, F. J., representative, 14.

Mabry, H. P., representative, 14.

McCall, J. L. L., delegate, 132, 216, 408 442.

McCallister, S. W., lieutenant, stationed at Fort Davis, 305.

McCarty, Charles, instructed to seize the *Henry Dodge*, 390, 391.

McClure, —, major, mentioned, 284.

McCord, J. E., signed call, 12; adjutant, 385.

McCraven, William, delegate, 21, 406, 427; resigned, 87, 428.

McCraw, Thomas M., county commissioner, 177; delegate, 22, 406, 446.

McCulloch, Ben., commissioner to purchase arms, 125; resigned commission, 132; elected colonel, 265; commission and instructions, 265, 266, 271; ordered to raise force, 269, 280, 281; operations, 274, 275; report, 276-278; mentioned, 306.

McCulloch, H. E., appointed commissioner to northwest frontier, 366-368; surrender of E. Kirby Smith, 368, 369, 370, 371; comment on agreement between Texan commissioners and General Twiggs, 369, 371, 378; delayed at Fort Chadbourne, 375; the surrender of Camp Cooper, 375, 381; correspondence with E. W. Rogers, 379, 380; urged consolidation of frontier commands, 383.

McCutcheon, A. D., representative, 14.

McDonald, A. B., tendered service, 132.

McFarland, —, mentioned, 201, 204.

McIntosh, William, delegate, 21, 406, 428.

McIntosh, Fort, mentioned, 271, 320, 401; evacuation, 327; troops stationed, 335.

McKay, Gilchrist, delegate, 20, 406, 417; resolution by, 53.

McKean, —, captain of Galveston Rifles, 343.

McKeever, —, mentioned, 337.

McKnight, George, representative, 14.

McLeod, Hugh, nominated delegate to Montgomery convention, 79; in Rio Grande expedition, 325; stationed at Brazos Santiago, 326, 331, 339; signed bond of W. W. Reynolds, 356; letter to John S. Ford, 359.

Maclin, —, captain, 304.

Maclin, Sackfield, mentioned, 192, 284, 285; on military commission, 272, 280, 288; financial report, 307, 308; adjutant, 275, 276, 285.

McMillin, Daniel, chief justice of Bell county, 440.

McNeill, Henry C., tendered service, 124, 138.

McQueen, John, commissioner of South Carolina, 28, 35, 45; address, 50-52.

Majors, J. P., lieutenant, tendered service, 124, 138.

Maltby, Henry A., delegate, 22, 406, 451.

Manley, J. H., representative, 14.

Manufacturing, resolution recommending protection of, 41, 42.

Marshall, Jesse, delegate, 21, 406, 425.

Martin, M., senator, 14.

Martin, R., mentioned, 192.

Mason, George, delegate, 132, 192, 408, 426; resolution by, 184; ordinance by, 174, 212.

Mason, Fort, mentioned, 285, 286, 305; troops stationed, 335.

Mattox, Wiley A., delegate, 21, 406, 424.

Maverick, Samuel A., representative, 14; commissioner to confer with General Twiggs, 264, 269.

Maxey, James M., delegate, 16, 20, 406, 410; granted leave of absence, 176; resolutions by, 33, 90, 103, 144; ordinance by, 111.

Maxey, W. L., representative, 14.

Mays, —, captain, mentioned, 383.

Mechling, W. T., tendered service, 137, 170; adjutant, 278, 305, 306.

Menchaca, Antonio, mentioned, 18.

Mercer, Jesse, mentioned, 142.

Mexico, peace with, 323, 332, 338; alarm along border, 327, 329-331; reconquest of Texas, 402, 403; forays into Texas, 62, 329, 401.

Middleton, W. B., representative, 14.

Mileham, J. T., mentioned, 439.

Military board, ordinance to create, 66.

Military commission, resolution to create, 54.

Military commission, appointed by General Twiggs, 272, 280, 288; correspondence with Texan commissioner, 288-293.

Military companies, organization recommended, 68, 69, 84.

Miller, S. A., senator, 14.

Miller, William G., delegate, 21, 406, 438.

Mills, A. N., delegate, 22, 406.

Mills, John T., nominated delegate to Montgomery convention, 79.

Mills, Roger Q., signed call, 12; representative, 14.

Monroe doctrine endorsed, 46.

Montel, Charles de, county commissioner, 176; delegate, 22, 406, 448; resolution by, 146.

Montgomery, W. A., delegate, 86, 97, 408, 437; resolution by, 98, 99, 194; ordinance by, 141, 233.

Montgomery, —, mentioned, 384.

Moody, D. J., mentioned, 430, 431.

Moody, J. C., lieutenant, stationed at Fort Lancaster, 305.

Moore, Lewis W., delegate, 20, 406, 423.

Moore, R. J., signed call, 12.

Moore, Thomas, signed call, 13; delegate, 22, 406, 446; resolution by, 99, 130; ordinance by, 106.

Moore, Thomas C., delegate, 21, 406, 436; resolution by, 225.

Moore, Thomas O., governor of Louisiana, 312, 313, 315, 337.

Morris, —, colonel commanding Fort Chadbourne, 375.

Morris, —, representative, 14.

Moseley, T. D., signed call, 12.

Moseley, T. E., mentioned, 17.

Moseley, —, captain of Fort Bend company, 344, 348.

Moss, A. H., chief justice of Milam county, 439.

Moss, B. F., delegate, 22, 406, 443.

Muller, John, delegate, 21, 406, 426; resigned, 132, 426; resolution by, 42.

Mundine, T. H., representative, 85.

Munson, M. L., representative, 14.

Murphy, J. M. and J. C., mentioned, 310, 312.

Murrah, Pendleton, nominated delegate to Montgomery convention, 79.

Nacogdoches riflemen, mentioned, 124.

Nash, T. J., delegate, 20, 406, 433.

Nash, William, county commissioner, 177; delegate, 20, 86, 97, 408, 432.

Nauendorf, A., delegate, 22, 406, 449.

Navarro, Angel, representative, 14.

Neal, James P., signed call, 12.

Neel, T. C., delegate, 21, 406, 432.

Nelson, Allison, representative, 14, 176; delegate, 18, 22, 406, 441; resolutions by, 46, 70, 76, 131, 142, 184; ordinances by, 106, 107, 244.

New Mexico, relative to admission to the Confederate States, 67.

Newsom, James F., delegate, 20, 406, 421.

New York, resolutions of assembly condemned, 31, 32.

Neyland, W. M., delegate, 20, 406; resolution by, 52.

Nichols, E. B., delegate, 21, 406, 426; resolutions by, 81, 82; commissioned to raise funds, 151, 156, 175, 317-319; his accounts, 191, 227, 244, 320, 334, 335, 336, 350, 362, 364; resolution to pay him certain sum, 227; correspondence with B. H. Hill, 337-342; illness, 347, 348, 349; appointed agent, 348; ordered ordnance transported to Galveston, 348, 349, 360.

Nichols & Co., E. B., mentioned, 310, 312.

Nichols, U. A., major, mentioned, 268, 278, 288, 304.

Nichols, —, captain, mentioned, 344.

Nicholson, A. J., delegate, 21, 27, 406, 424.

Nicholson, E. P., delegate, 16, 17, 21, 406, 433; resolution by, 57; ordinance by, 198.

Nickels, P., chief justice of Hidalgo county, 450.

Nolan, —, captain, mentioned, 402, 403; stationed at Ringgold barracks, 327.

Norris, James M., delegate, 22, 406, 441; resolution by, 107; ordinance

by, 195, 196; carried money to H. E. McCulloch, 368.
Norton, A. B., representative, 14, 85; adjutant general, 127, 149, 150.

Oakes, James, captain, reported Indian raid, 128; voted thanks, 129.
Oakes, Wallace, E., chief justice of McLennan county, 441.
Oath of office, proposed for delegates, 25; secrecy, 42; for State officers, 38, 39, 116, 144, 146, 147, 148; administered, 176, 177, 257.
Obenchain, Alfred T., delegate, 21, 406, 432; excused from attendance, 246.
Ochiltree, W. B., delegate, 16, 18, 20, 406, 418; elected delegate to Montgomery convention, 78, 80; resigned, 418; letter from, 102, 116-118; resolutions by, 25, 46, 59, 67.
Odlem, —, captain, mentioned, 324.
Oldham, W. S., signed call, 12; delegate, 15, 18, 21, 406, 436; resigned, 86, 437; elected delegate to Montgomery convention, 78, 80; commissioner to Arkansas, 208.
Oliver, Samuel, mentioned, 419.
Owens, J. M., representative, 14, 85.

Palmer, R. J., delegate, 21, 406, 428.
Parker, Ben, representative, 14.
Parrish, A. H., signed call, 12.
Parsons, J. H., senator, 14.
Parsons, William H., nominated delegate to Montgomery convention, 79.
Paschal, I. A., senator, 14, 85.
Patrick, George M., chief justice of Grimes county, 428.
Patterson, J. M., chief justice of Dallas county, 433.
Paul, James, lieutenant, stationed at Camp Verde, 305.
Payne, William K., delegate, 20, 406, 423; resigned, 198.
Payne, W. M., delegate, 20, 406, 422; resolution by, 107; ordinances by, 146, 200, 246.
Peck, William M., delegate, 21, 406, 430.
Pennington, Levi, mentioned, 439.
Per diem, resolutions to fix, 82, 107; report of committee, 150; of judges in convention, 249.
Perkins, S. W., chief justice of Brazoria county, 427.
Perry, A., representative, 14.
Perry, Rev. B. F., chaplain, 86, 103, 109.
Persons, Henry J., mentioned, 432.
Pirkey, S. H., representative, 14.
Pitts, E. S., senator, 14.
Pitts, W. C., signed call, 12.
Plasters, Thomas C., doorkeeper pro tem., 18.
Poag, W. R., delegate, 20, 406, 417.
Pope, Alexander, delegate, 20, 406, 418; resigned, 418.
Porter, —, major, arrived at Brazos Santiago, 326, 346, 348; mentioned, 358, 361.
Portis, David Y., delegate, 19, 21, 406, 435; resolutions by, 19, 48, 67, 68, 84, 91, 107, 129, 133; ordinance by, 244.
Postal affairs, relative to postmasters continuing in office, 53; relative to mail contractors, 141, 150; communications relative to, 240-242. *See also* Committee on Postal Affairs.
Potter, M. M., senator, 14.
Powers, —, captain, mentioned, 401.
Prendergast, D. M., signed call, 12; delegate, 21, 407, 430.
Preston, L. K., signed call, 12.
Preston, Walter F., delegate, 22, 407, 445.
Price, F. P., delegate, 16, 20, 407.
Price, James H., mentioned, 442; assistant quartermaster, 382.
Pruitt, John T., signed call, 13.
Public debt, repeal of constitutional limitation of amount, 57; relative to authorizing legislature to borrow, 226, 227.
Public domain, control reserved to State, 108; proposal to cede portion to Indian nations, 218-222.
Public property, ordinance respecting, 99.

Quinan, George, senator, 14.
Quitman, Fort, mentioned, 270, 282; troops stationed, 335.

Rabourn, R. S., chief justice of Madison county, 429.
Ragland, William, chief justice of Victoria county, 442, 443.
Ragsdale, Maggie, with others presented flag to convention, 27.
Railroad, ordinance relative to construction, 112; loans from school fund, 162.
Rainey, A. T., signed call, 13; delegate, 16, 18, 20, 407, 414; resolution by, 83, 135, 140.
Rains, Emery, senator, 14, 85.
Rains, J. D., delegate, 20, 407, 423.
Ramsey, James M., mentioned, 417.
Randal, Horace, recommended, 138.
Randle, Wilson, assistant doorkeeper, 19.
Randolph, Cyrus H., signed call, 12; state treasurer, 184.

Reagan, John H., delegate, 28, 407; resolution by, 45; elected delegate to Montgomery convention, 78-80; resigned as delegate, 86. [illegible]; correspondence, 241, 242.
Reagan, Morris R., signed call, 12.
Rector, Claiborne, delegate, 15, 22, 407, 452.
Rector, J. E., signed call, 12.
Redgate, Sam J., representative, 14, 85.
Redmond's ranch, mentioned, 401.
Red River Rangers, mentioned, 178.
Redwine, H., representative, 14.
Redwood, —, captain, mentioned, 324, 344, 401.
Reed, A. L., chief justice of Freestone county, 431.
Reese, G. M., chief justice of Karnes county, 447, 448.
Reich, C., signed call, 12.
Reports of committees. *See* Committees.
Revenue, ordinance for raising, 90, 116.
Reynolds, William G., chief justice of Grayson county, 425.
Reynolds, William W., lieutenant, appointed quartermaster, 343; bond, 355.
Reynolds, —, captain, appointed quartermaster, 276, 285; seizure of funds in his care, 299; mentioned, 284.
Rhome, P. G., delegate, 20, 407, 416.
Rice, P. H., mentioned, 198.
Richardson, Gilbert C., mentioned, 437.
Ringgold barracks, evacuated, 327; troops stationed, 335; mentioned, 401.
Rio Grande, camp, troops stationed, 335.
Rio Grande expedition, number of troops, 333; cost, 336; value of property obtained, 333.
Roberts, Oran M., drafted call for a convention, 9, 10; delegate, 16, 20, 405, 419; elected president, 16; inaugural, 16; valedictory, 85; associate justice of supreme court, 176; resolution by, 119; communications from, 175, 176, 178, 317, 319.
Robertson, E. Sterling C., delegate, 21, 407, 441.
Robertson, Jerome B., delegate, 19, 21, 407, 436; resolution by, 68, 98, 200, 212.
Robertson, John C., delegate, 20, 407, 419; chairman of committee on public safety, 60; resolution by, 83; ordinance by, 143.
Robertson, T. D., signed call, 13.
Robinson, Henry, killed by Indians, 128, 129.
Robinson, Joel, representative, 14.
Robinson, Simpson, chief justice of Leon county, 429.
Roche, William G., appointed lieutenant, 181, 182.
Rogers, E. W., captain, correspondence with H. E. McCulloch, 379, 380.
Rogers, F. M., chief justice of Hopkins county, 422.
Rogers, James H., delegate, 20, 407, 419; his company, 145; commissioner to San Antonio, 264; commissioner to Louisiana, 309-315; resolution by, 140; ordinances by, 111, 133.
Rogers, Robert M., lieutenant, 181, 182.
Rogers, William F., lieutenant, 389; mentioned, 395, 396.
Rogers, William J., captain, 181, 182.
Rogers, William P., assisted O. M. Roberts in drafting call for a convention, 9; delegate, 15, 17, 21, 407, 427; resolutions by, 27, 29, 34, 81, 91, 118; ordinances by, 106, 118.
Rogers, —, captain, mentioned, 383.
Rose, John W., representative, 14.
Ross, Edward M., chief justice of Bandera county, 1[illegible], 445; delegate, 22, 407, 445.
Ross, W. M., representative, 14.
Ross, Sul, captain, mentioned, 370.
Rugeley, John, delegate, 21, 407, 434.
Rules adopted by the convention, 18, amendment proposed, 99; hour of meeting, 143; limiting debate, 146, 223, 232, 245.
Runnels, H. R., delegate, 20, 407, 420 nominated delegate to Montgomery convention, 78.
Russell, Charles A., county surveyor, 177; delegate, 86, 97, 408, 447.

Sabine Pass, request that it be made port of entry, 141, 150.
Salmon, John, mentioned, 442.
San Antonio barracks, troops stationed, 335.
Sanford, John W. A., commissioner from Georgia, 70; address, 72, 73.
Santa Fe expedition, mentioned, 52.
Scarborough, E. B., delegate, 45; resolution by, 180.
Schleicher, Gustav, senator, 14.
Schoolfield, William D., assistant secretary, 17.
School fund, described, 152, 153, 159-163; attack upon, 130, 157, 158, 159; defense of, 131, 160-162; influence on railroad building, 162.

School lands, resolution proposing sale, 130, 131.

Scott, Jonathan, chief justice of Kerr county, 445.

Scott, William T., delegate, 18, 20, 407, 417; resolutions by, 15, 245.

Scurry, William R., delegate, 22, 407, 442; resolution by, 45; nominated delegate to Montgomery convention, 78.

Secession—causes of, in Georgia, 72; in Louisiana, 121; in South Carolina, 50, 51; in Texas, 61-65.

Secession convention, call for election of delegates, 9-12; sentiment in Texas at time of election of delegates, 253, 254; legislature recognized the convention, 12, 13; resolution to adjourn, 52, 67, 194, 195, 223; resolution for a new convention, 52; resolution for reducing number of delegates, 67; resolution for filling vacancies, 54, 82, 83; expenses of the convention, 69, 107, 149, 151, 158, 159, 199, 215; majority to constitute quorum, 69, 71; president pro tem. elected, 83; ordinance relative to enrollment, preservation and publication of the ordinances, 106, 107, 125, 127, 228; courteous conduct of the delegates, 261; state officers who were delegates, 176, 177; list of delegates, 405.

Secession ordinance, resolution to appoint a committee to draft, 24; resolution that Texas secede adopted, 25; resolution to submit ordinance to a popular vote, 33; ordinance reported, 35, 36; debated, 38-40, 42-44, 45, 46; substitute offered, 38; tabled, 40; resolution fixing time for vote on ordinance, 46; state officials invited to be present, 48; ordinance passed, 48, 49; governor and legislature notified of passage, 49; Edwin Waller allowed to sign out of order, 54; ordinance signed, 54-57; resolutions to print, 57, 59; ordinance to circulate, 59; to be submitted to a popular vote, 12, 13, 33, 35, 36, 44, 50; ordinance prescribing mode of election passed, 58; ordinance to be sent to Texas congressmen and to governors of Southern States, 69; Brown's reasons for voting to submit ordinance to popular vote, 84; Governor Houston to abide by result of vote, 47; resolution to count popular vote, 87; tabulated vote, 88-90; final result, 176; result of vote proclaimed, 88; new delegates permitted to sign ordinance, 90; resolution declaring Texas free, sovereign and independent, 91; substitute adopted, 98.

Sexton, F. B., nominated delegate to Montgomery convention, 79.

Shannon, W. R., representative, 14.

Shark, schooner used to transport Texans to Rio Grande, 325; mentioned, 348, 350, 362, 394.

Shelton, E. J., representative, 14.

Shepard, C. B., senator, 14.

Shepard, James E., delegate, 21, 407, 437; resolutions by, 83, 99, 133, 140, 143; ordinances by, 118, 238.

Sherman, Sidney, communications from, 132, 394-396; commander at Galveston, 390, 393; mentioned, 343, 349.

Short, D. M., representative, 14.

Shufford, A. P., delegate, 20, 85, 407, 432.

Simcox, George G., enrolled ordinance of secession, 81.

Simms, —, mentioned, 364.

Simpson, J. M., chief justice of Upshur county, 420, 421.

Skidmore, S. B., mentioned, 425.

Slavery, remarks by O. M. Roberts, 17; resolution by Locke, 53; statement in address to people of Texas, 62, 64; remarks by Commissioner Sanford, 72; ordinance relative to, 110, 111; remarks by Commissioner Williamson, 122, 123; extradition of slaves, 171, 172.

Sledge, Mins, mentioned, 419.

Smith, Bennett, chief justice of Rusk county, 416.

Smith, E. Kirby, captain, commanding Camp Colorado, 368, 369, 370, 371; surrendered to H. E. McCulloch, 369, 371; mentioned, 398.

Smith, Gideon, delegate, 21, 407, 424.

Smith, Junius W., signed call, 12.

Smith, P. H., signed call, 13.

Smith, Sam S., county clerk, 177; delegate, 22, 407, 447.

Smith, William, representative, 14.

Smith, —, captain of the *General Rusk*, aided Colonel Ford, 332; mentioned, 344, 345, 348; conduct criticised, 347, 360, 361, 362.

Sneed, S. G., Sr., signed call, 13.

South Carolina, commissioner, 28; committee to wait on, 45; address, 50-52.

Sowell, Ransom, chief justice of San Augustine county, 412.

Spears, J. F., chief justice of Lavaca county, 443.

Speights, J. H., representative, 14.

up military posts in Texas, 275, 281; orders evacuation of posts.

Stafford, J. S., chief justice of Harris county, 427.

Stapp, D. M., collector of district of Saluria, 176; delegate, 86, 97, 408, 443; resolutions by, 99, 197; ordinance by, 196.

State officers, delegates, 176, 177; oath administered, 183, 184; attended when vote on ordinance of secession was taken, 48; ordinance providing for their continuance in office, 53, 98, 108, 116, 165, 166; office of governor and secretary of state declared vacant, 184, 185.

State rights, remarks by O. M. Roberts, 17; mentioned, 252.

Steiner, J. M., signed call, 13.

Stell, John D., delegate, 19, 21, 407, 429; president pro tem., 15, 83, 175; on committee to prepare exposition of the proceedings of the convention, 261; resolutions by, 19, 83, 240.

Stephens, J. E., chief justice of Wood county, 423.

Stephens, W. H., lieutenant, resolution to place him in charge of coast defense, 140; recommended, 170, 395, 396; mentioned, 124, 350, 394.

Sterling Guards, mentioned, 178.

Stevens, J. G., chief justice of Hunt county, 423, 424, 425.

Stewart, Charles, delegate, 21, 407, 430; ordinance by, 238.

Stewart, Samuel J., chief justice of Starr county, 450, 451.

Stewart, William H., representative, 14, 176; delegate, 22, 407, 444; resolutions by, 53, 108, 114; ordinances by, 106, 112.

Stewart, —, collector of customs at Galveston, 395.

Stockdale, F. S., senator, 14, 176; delegate, 17, 22, 407, 442; resolutions by, 144, 239.

Stockton, Camp, mentioned, 282, 305, 306; troops stationed, 335.

Stoneman, George, captain, mentioned, 326; correspondence with Colonel Ford, 327-329.

Stuart, John G., delegate, 20, 407, 414.

Sublett, —, captain, mentioned, 383.

Sutherland, William, chief justice of Wilson county, 452.

Tarver, E. D., chief justice of Washington county, 436, 437.

Taylor, Charles S., chief justice of Nacogdoches county, 413.

Taylor, M. D. K., representative, 14; speaker of house of representatives, 29.

Taylor, Pleasant, delegate, 21, 407, 433.

Taylor, Robert H., representative, 14, 85.

Teel, T. T., captain, mentioned, 305; stationed at Fort Duncan, 305.

Tennessee, action on resolutions of New York assembly, 31.

Terry, B. F., delegate, 21, 407, 435; commanded reinforcements sent to Rio Grande, 343, 346, 348.

Terry, Nathaniel, delegate, 21, 407, 433; resolutions by, 23, 25, 54, 66, 82, 99, 247; ordinance by, 66, 249.

Texas, independence of, asserted, 98; idea of an independent nation deprecated by commissioner from Louisiana, 122, 123; little sentiment favoring such a plan, 252. *See also* Finances, Frontier, Public debt, Puplic domain and Union with C. S. A.

Thomason, Elisha, delegate, 21, 407, 439.

Thompson, Charles, quartermaster, 343.

Thompson, James G., delegate, 21, 407, 425.

Thompson, —, lieutenant, 324, 325, 340.

Throckmorton, J. W., senator, 14, 176; delegate, 21, 407, 425; resolutions by, 130, 131.

Todd, John S., courier, 175.

Todd, W. S., district judge, 176; delegate, 20, 407, 420; resolution by, 71.

Todd, —, captain, mentioned, 395.

Tomlinson, —, captain, mentioned, 401.

Townes, E. D., senator, 14.

Townes, Robert J., signed call, 9, 13.

Townsend, W. P., mentioned, 437.

Townsend, William P., mentioned, 178.

Treason, resolution to define, 90, 99, 100; ordinance, 109, 110; relative to allegiance and fealty, 106; relative to offenses against the State, 106; certain acts and correspondence felony, 141, 227.

Turner, John A., mentioned, 437.

Twiggs, David E., major general, commanding department of Texas, believed to be friendly to Texas, 264; commissioners to confer with, 264; result of interview unfavorable, 265, 268, 269, 287; appointed a military commission, 272, 280, 288; determined that troops do not surrender arms, 272, 275; surrender of, 274, 275, 281, 294; delivers up military posts in Texas, 75, 281; orders evacuation of posts, 278, 296; correspondence with Texan commissioners, 287, 288, 294; voted resolution of thanks, 131.

Tyler Dragoons, mentioned, 37.

Twin Sisters, return to Texas requested of Louisiana, 206, 308; request granted, 207, 311, 312.

Union, boat, transported Texan troops to Rio Grande, 337, 350.

Union of Texas with the Confederate States of America, resolution favoring a speedy union, 34; question to be submitted to a popular vote, 39, 40; no alternative, 65, 314; solicited by commissioners of South Carolina, 51, of Georgia, 73, of Louisiana, 122, 123; resolution that Texas will unite after adoption of ordinance of secession, 83; ordinance for union of, 92, report on, 95, 96, debate, 100-102, passed, 101, 102, protest, 110; reasons for haste, 254; union considered an incident of secession, 252, 253, 308, 313, 314; ordinance conferring jurisdiction over forts, arsenals, etc., on Confederate States, 211.

United States bonds to be sold, 153-156.

United States courts. *See* Courts.

United States officers in Texas, resolution proposing to convert Federal officers into State officers, 52; resolution requesting certain Federal officers to resign and others to continue, 53; ordinance accepting the services of certain officers, 137-139; resolution commending officers who entered service of Texas, 245; ordinance to provide for enlistment, 247, 248.

United States troops in Texas, resolutions that they should enter the service of Texas, 52, 114, 268, 322; opinions on this subject of T. N. Waul, 92-94, of the secretary of war, 94, 95, of General Bragg, 311, of Colonel Ford, 332; ordinance relating to removal passed, 92; number, 262, 340; reason for removal, 262, 263; terms upon which they were to depart, 273, 275, 295, 324, 357; route by which they were to depart, 270, 280, 282.

United States property in Texas, Governor Houston's views in regard to seizure, 399, 400; value of property surrendered by General Twiggs, 275, 282, 283; arms, 395; obtained on Rio Grande, 333; total value of in Texas, 365; ordinances relating to property seized, 106, 110, 236; seizure of money *en route*, 286; negotiations for surrender of money in hands of officers, 291, 292, 293; protest of Colonel Waite, 299, 300; resolution upholding Texas commissioners, 133; resources and liabilities, difficult to ascertain, 284, 285, 301-303, 306-308.

University lands, resolution providing for sale, 130; ordinance providing for sale, 156, 157; proceeds to constitute sinking fund for State debt, 155; status of fund in 1860, 161.

Van Buren, —, captain of Galveston artillery, 324, 345.

Veazey, John W., chief justice of Wharton county, 434.

Verde, Camp, depredations committed by soldiers, 286, 304, 305; troops stationed, 335.

Vinton, D. H., major, on military commission, 272, 280, 281, 288.

Voight, F., orderly sergeant of Nacogdoches riflemen, 124.

Vote for delegates, 16, 253; on resolution to secede, 26, 28; on proposition to submit ordinance of secession to a popular vote, 44; on ordinance of secession, 48, 49; popular vote, 176; on question of union with the Confederate States, 101, 102; on resolution asserting powers of the convention, 119; on ordinance vacating office of governor, 185, 186; on approving permanent constitution of the Confederate States, 235.

Waelder, Jacob, representative, 14.

Waite, C. A., colonel, commanding the department of Texas, successor to General Twiggs, 283, 293; correspondence with Texan commissioners, 299-305.

Walker, A. G., senator, 14.

Walker, Dr. James, tenders services, 124, 137, 170.

Walker, R. S., mentioned, 103.

Wallace, W. A., tenders service of a company, 170.

Wallace, —, captain, mentioned, 376.

Waller, Edwin, Sr., signer of the declaration of Texas independence, 54; delegate, 21, 407, 435; elected major, 202, 205.

Waller, E., captain, mentioned, 345, 401.

Waller, H. B., secretary to Commissioner E. B. Nichols, 337; appointed agent of Commissioner Nichols, 348, 350; instructions, 360; mentioned, 338, 339, 343, 344, 346, 347, 349, 351.

Waller, J. R., mentioned, 442.

Walworth, James, representative, 14, 176; delegate, 16, 22, 407, 449.

Ward, Matthew, nominated delegate to Montgomery convention, 79.

Ward, Robert H., delegate, 20, 407, 420.

Warfield, Charles A., representative, 14.

Warren, William, delegate, 20, 407, 420.

Waterhouse, R., representative, 14.

Watkins, James C., delegate, 21, 407, 440.

Waul, T. N., signed call, 13; elected delegate to Montgomery convention, 78, 80; communication from, 92-94.

Webb, Milton, captain of the Lamar cavalry, 114.

Webster. See Daniel Webster.

Werbiski, A., mentioned, 449.

Whaley, D. M., senator, 14.

Wharton, John A., signed call, 13; delegate, 21, 407, 427; nominated delegate to Montgomery convention, 79; resolutions by, 25, 54, 90, 131; ordinance by, 125.

Wheeler, Royal T., mentioned, 37.

Whitaker, B. S., signed call, 12.

White, Francis M., commissioner of the General Land Office, 184.

White, George W., signed call, 12.

Whiteley, R. H. K., captain, opposed to surrender, 270, 281; on military commission, 272, 280, 288; mentioned, 272, 280, 288; mentioned, 285.

Whitfield, J. O., representative, 14.

Whitmore, G. W., representative, 14, 85.

Widenfeld, Theodore, mentioned, 446.

Wier, Joseph P., notary public, 177; delegate, 21, 407, 432; resolution by, 200.

Wigfall, Louis T., elected delegate to Montgomery convention, 78, 79, 80; tendered a vote of thanks, 69.

Wilcox, John A., delegate, 22, 407, 447; nominated delegate to Montgomery convention, 79; ordinance by, 243.

Wilcox, J. H., delegate, 112, 119, 408, 434; resolutions by, 74, 167; ordinance by, 243.

Wiley, A. P., delegate, 17, 18, 21, 407, 429; nominated delegate to Montgomery convention, 79; resolutions by, 33, 57, 68, 83, 91; ordinances by, 38, 92, 98, 107.

Williams, Ben, delegate, 22, 407, 443.

Williams, Lem H., delegate, 27, 85, 407, 422.

Williams, Thomas G., mentioned, 132, 170.

Williams, —, captain of the Liberty company, 343, 345, 348.

Williamson, George, commissioner from Louisiana, 120; communications from, 120-123, 206, 207; correspondence with committee on public safety, 308, 309; mentioned, 310, 311, 312, 313.

Willson, Samuel A., delegate, 180, 192, 408.

Wilson, James C., elected delegate but prevented by illness from attending, resolution of sympathy, 53, 444.

Wilson, Jason, delegate, 21, 407, 424; excused from attendance, 246.

Wilson, T. L., sergeant, stationed at Camp Hudson, 305.

Winkler, C. M., signed call, 12.

Winn, Charles W., mentioned, 114.

Wood, Camp, mentioned, 305; troops stationed, 335.

Woodward, L. S., county commissioner, 438.

Word, T. J., delegate, 86, 97, 408, 415; ordinance by, 235.

Work, Philip A., delegate, 20, 407, 410; resigned, 180, 411.

Wortham, William, representative, 14.

Wrede, —, representative, 14.

Wright, George W., delegate, 27, 407, 422.

ERRATA

A. G. Nicholson on page 56 should be A. J. Nicholson.